

money laundering, fraud, extortion, ponzie schemes, boiler room operations, etc.) and have extensive supporting networks. The criminal enterprise must be identified by the proper name (First/Middle/Last and alias) of the principal target and/or main subject of the organization, cell, or subgroup. The name of the organization must be consistent each time a disruption or dismantlement is statistically recorded. Variations in spelling or punctuation cause the name or title to appear as a separate organization within ISRAA. Operational case titles are not considered an acceptable means of identifying the organization.

(b) Section D describes the primary scope of the operations and influence of the criminal enterprise disrupted or dismantled. The scope of the criminal enterprise must be identified by checking one of the four blocks which are: International, National, Regional or Local.

1. Local: The targeted criminal enterprise operates within a specific city and/or community.
2. Regional: The targeted criminal enterprise operates within a specific region of the field office territory (multiple counties within more than one judicial district).
3. National: The targeted criminal enterprise operates in multiple field office territory regions.
4. International: The criminal enterprise has a confirmed connection to an organization operating outside of the continental United States which is involved in the criminal enterprise illegal activity.

(c) Section E - The ISRAA system limits each submission to 608 characters or less (including spaces). This means that the summary narrative is short and to the point. The narrative must contain sufficient predication for claiming the accomplishment from each of the outlined sections below. (See MAOP, Part 2, 3-5.1 (1).)

1. Type of Organization - Provide a succinct description of the type of criminal enterprise. Examples include: Consolidated Priority Target or linked to a Consolidated Priority Organization Target (CPOT), Regional Priority Target, Money Laundering Organization, Smuggling/Distribution Organization, Gang/Posse/Crew, Outlaw Motorcycle Group, Organized Crime Group, Narco-Terrorism, etc.
2. Law Enforcement Action Taken - Describe the type of significant law enforcement action that resulted in the statistical accomplishment. Examples include: execution of a search warrant, execution of a seizure warrant, arrests, complaints/information, indictments, and seizure of assets, property, drugs, etc.
3. Name of Subject(s) - Provide the complete name (First/Middle/Last) of the individual(s) on which the law enforcement action was taken. If adequate space is not available for all of these individuals, list those with the most important functional role within the organization.
4. Functional Role in the Organization - Provide details as to the role of each individual named in the narrative. Examples include: leader/organizer, manager/supervisor, supplier/distributor, broker, offloader, driver, smuggler, enforcer, corrupt official, corrupt public official, financial backer, money launderer, courier, boss, underboss, consigliere, lieutenant, capo, soldier, etc.
5. Related Criminal Activity - Identify the type(s) of criminal activity the organization is involved in. Examples could include: drug trafficking, alien smuggling, firearms/weapons violations, public

corruption, violence/murder, bank robbery, major theft, money laundering - bulk cash smuggling (air/land/sea), etc.

6. Seizure of Assets/Property/Drugs - A disruption may be claimed when a seizure of the criminal enterprise's assets causes a disruption in the criminal enterprise's overall operation. Seizures could include: currency, monetary assets, real estate, personal property, drugs, business records, etc.

7. Significance of Event - Provide details describing the significance of the law enforcement action and how that event impacts the criminal enterprise. Examples include: modifications in daily operations of the criminal enterprise, smuggling methods, trafficking patterns, sources of supply, removal of all or most of its principal leadership, the elimination of its criminal enterprises and supporting networks, seizure of its assets, the criminal enterprise is no longer capable of reforming with its original ability to conduct criminal activity, etc.

(d) Disruptions and dismantlements will be evaluated and approved by the appropriate substantive division at FBIHQ. The FBIHQ program manager must ensure that the disruption or dismantlement claimed is fully justifiable and supportable. FBIHQ will approve/disapprove the disruption or dismantlement by indicating an "A" for approval or "D" for disapproval in ISRAA.

3-5.2.12 Civil RICO Matters or Other Civil Matters (Block J) (Formerly 3-5.2.8)

(1) In reporting Civil RICO accomplishments, a Civil RICO complaint must be claimed on the subject prior to completing this block.

(2) The date of the Civil RICO Matter or other Civil Matter should be entered in block J. The name and identifying data must be entered in block N.

(3) The judgment emanating from the Civil RICO complaint or the Civil Matter should be entered on the judgment line using the appropriate code from the reverse side of the FD-515. Report the above data for every defendant including defendant entities.

(4) One or more judicial outcomes resulting from the various court judgments should be entered on the judicial outcome line (see reverse side of the FD-515 for the appropriate judicial outcome codes). Up to five judicial outcomes can be claimed for a particular accomplishment. The additional judicial outcomes can be entered on an additional FD-515 or on a plain sheet of paper for entries.

(5) Fines and/or restitution, prefilings settlements or any other civil remedy should be entered on the appropriate line at imposition. The amount claimed should be entered in the appropriate space on the FD-515. When a fine, restitution or prefilings settlement is claimed, ensure that the judicial outcome code of either FI for fine, PS for prefilings settlement, or RN for restitution, is included as a judicial outcome.

(6) The amount of years/months suspended should be indicated in the appropriate block.

(7) When a Civil RICO Matter is claimed, the U.S. code violations must also be included in block G.

(8) A succinct narrative page describing the FBI's investigative efforts, which significantly contributed to the successful civil remedy, should be entered. The above justification narrative

should be reviewed and approved by the appropriate substantive Supervisory Special Agent before the civil remedy is recorded in the Integrated Statistical Reporting and Analysis Application (ISRAA).

3-5.2.13 Administrative Sanctions (Block K) (Formerly 3-5.2.10)

(1) Administrative Sanctions - General

(a) Every subject, individual or corporation in an FBI investigation which involves a suspension, debarment, or injunction from doing business with a federal agency or agencies should be reported in the space provided in block K. The date of the sanction should be indicated and the type of sanction should be checked. The name and identifying data must be entered in block K.

(b) Suspensions, debarments, and injunction sanctions will be credited to the field offices where the action was initiated. In cases involving Rule 20 of the Federal Rules of Criminal Procedure, it is normally the office of origin that obtains the indictment and that office should report the sanction.

(2) Subject's Description Code - The subject's description code should be entered when reporting an administrative sanction. The eight general description codes are shown on the reverse side of the FD-515. The case Agent should select the most appropriate category which best describes the subject and the corresponding code should be entered on the front of the FD-515 for each subject where a sanction has resulted.

(3) Length - The length of time for the sanction should be reported on the FD-515 and expressed by either checking the block if the sanction is permanent or in years and months in the appropriate blocks.

3-5.2.14 Asset Seizure/Asset Forfeiture (Block L)

(1) Asset Seizure - The date an asset is seized for forfeiture should be indicated on the appropriate line of the FD-515. FBI policy is to initiate forfeiture proceedings within 25 days of seizure. The forfeiture procedure begins when an asset is placed into the Consolidated Asset Tracking System (CATS). The CATS form must be completed and the asset entered into CATS in order to generate a CATS asset number. This CATS number is singularly specific to that asset and is mandatory for a seizure accomplishment. A check must be placed in the block to identify whether the asset was seized for Administrative, Civil Judicial or Criminal forfeiture. The monetary value of the seized asset should not be claimed on the FD-515.

(2) Asset Forfeiture - The date an asset is declared forfeited should be indicated on the appropriate line of the FD-515. The asset is assigned a CATS number which is singularly specific to that asset at the beginning of the forfeiture process. This CATS number is mandatory for a forfeiture accomplishment. A check must be placed in the block to identify whether the forfeiture procedure was Administrative, Civil Judicial, or Criminal. The monetary value of the seized asset should not be claimed on the FD-515.

(3) Seizure and Forfeiture accomplishments claimed where a DOJ agency, other than the FBI, is processing the forfeiture must be accompanied by the CATS number singular to that asset and specific to that DOJ agency. Seizure and Forfeiture accomplishments claimed where a non-DOJ agency is processing the forfeiture must be entered into CATS as a "Referral Seizure" to generate a

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referral CATS number for the mandatory CATS line. CATS data may be accessed within each field office through coordination with a forfeiture paralegal specialist in that office.

3-5.2.15 Acquittal/Dismissal/Pretrial Diversion (Block M) (Formerly 3-5.2.14)

(1) ACQUITTAL - The date of the acquittal should be indicated on the appropriate line. The subject's name and identifying data must be included in block N. If a subject is acquitted of all counts of an indictment except one and is convicted of that one count, the conviction--not the acquittal--should be reported.

(2) DISMISSAL - The date of the dismissal should be indicated on the appropriate line. The subject's name and identifying data must be included in block N. There should be no recording of dismissals in Unlawful Flight to Avoid Prosecution (UFAP) cases. The UFAP process is generally obtained by a complaint which is dismissed prior to obtaining a formal indictment or information, and, therefore, the dismissal should not be claimed. If an indictment or information is obtained and subsequently dismissed, then a dismissal should be claimed (this applies to all matters and is not limited to the Fugitive Subprogram).

(3) PRETRIAL DIVERSION - A pretrial diversion should be claimed for each subject diverted by the U.S. Attorney under this plan. A pretrial diversion accomplishment should also be claimed for juveniles who are handled under the Brooklyn Plan. If the diversionary period is terminated at any time prior to its expiration by the U.S. Attorney for breach of conditions and prosecution initiated, the results of the prosecution should be reported separately and it will NOT be necessary to submit another FD-515 to delete the previous reported pretrial diversion accomplishment. The date of the pretrial diversion should be indicated on the appropriate line. The subject's name and identifying data must be included in block N. No record is being kept of the title, section, counts, or the probationary period on pretrial diversions, and this information should NOT be reported on the FD-515.

3-5.2.16 Drug Seizures - (Block N)

(1) DRUG SEIZURES - The date of drugs seized as a direct result of a FBI investigation should be reported on the appropriate line of the FD-515. The gross weight estimate of the seized drugs, which includes the minimum wrapping material necessary for evidentiary or packaging purposes, should also be reported on the appropriate line.

(2) TYPE OF DRUG - The type of drug seized should be reported on the appropriate line. The following abbreviations, which appear on the back of the FD-515, should be used to indicate the type of drug:

HER Heroin MOR Morphine OPM Opium COC Cocaine MET Methamphetamine MAR Marijuana KAT Khat HSH Hashish LSD LSD MDM Methylenedioxymethamphetamine (MDMA) OTD Other drugs

(3) FEDERAL DRUG IDENTIFICATION NUMBER (FDIN) - The FDIN, if applicable, should be reported on the appropriate line.

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3-5.2.17 Subject Information - (Block O) (Formerly 3-5.2.16)

- (1) Block O must be completed for all accomplishments claimed except for the following eight accomplishments: Hostage(s) released, Recoveries, PELPs, Disruptions, Dismantlements, Asset Seizures, Asset Forfeitures, and Drug Seizures. The subject's name, race (see race codes on reverse side of the FD-515), sex and date of birth must be indicated in this block when claiming an accomplishment. If available, the social security number should also be indicated.
- (2) The subject information must be indexed in indices prior to claiming an accomplishment.
- (3) If the subject is involved with an LCN, Asian Organized Crime, Italian Organized Crime, Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group, the square should be checked. If this square is checked and an indictment/conviction is being claimed, an FD-515a (Side 1) must be completed. It should be noted that completion of Sections A-E is mandatory, Sections F-H as appropriate. See MAOP, Part 2, 3-5.2 (6).
- (4) If the subject is involved with an OC/Drug Organization, a VCMO Program National Gang Strategy target group or a VCMO Program National Priority Initiative target group, the square should be checked. If this square is checked and an indictment/conviction is being claimed, an FD-515a, Side 1, Sections A-C (name of subject, field office, file number and subject's role, i.e., leadership, member, associate, or other) must be completed. See MAOP, Part 2, 3-5.2 (7).
- (5) Deleted

3-5.3 Modified FD-515s (See MAOP, Part II, 3-5.2.2 (6) & MIOG, Part I, 252-14.)

When it is discovered that a previously submitted FD-515 contained an error, the following steps should be followed:

- (1) A photocopy of the FD-515 containing the error should be taken.
- (2) The word "MODIFIED" should be written boldly, in red, across the top and bottom of the photocopy.
- (3) The correct information (not the increase or decrease) should be written in red next to, beneath or above the erroneous information. If there is no room next to, beneath or above the erroneous information, then an asterisk (*) should be used footnoting the correct information.
- (4) The photocopy should be given to the appropriate person for data entry in ISRAA. The data entry personnel should date and initial the modified FD-515 in the upper right hand corner with a red pen.
- (5) The photocopy of the FD-515 with the printed copy from ISRAA should be attached to the original copy in the case file within the field office file.
- (6) A modified FD-515 should be prepared when a sentence, upon appeal, is overturned in any way within the same fiscal year.

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3-5.4 Submission of Final Disposition Reports (R-84s) with FD-515s (See MAOP, Part 2, 4-6; MIOG, Part 2, 14-15.1.1(7).)

In any case, where a field office takes credit on an FD- 515 for the arrest or conviction of an FBI subject in connection with violations of a federal law, the Office of Origin of the case must ensure that the Criminal Justice Information Services Division (CJIS) is advised of the final disposition or any amended disposition. This can be accomplished by forwarding a Final Disposition Form (R-84) to the CJIS Division. If the Office of Origin has determined that another field office or other criminal justice agency has already submitted the disposition to the CJIS Division, it is not necessary to forward the R-84. However, the Office of Origin must document in the investigative file the identity of the agency or lead office which submitted the R-84 and similarly note such information in the "Remarks" section of the FD-515.

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SECTION 4. LEGAL MATTERS

4-1 RECORD OF LEGAL TRAINING

Each field office is to maintain records of all legal training provided to FBI investigative personnel during each fiscal year. The information should include the date of each training session, topic(s) covered, length of instruction, name(s) of the instructor(s) and the number of attendees at each session. Such records should reflect compliance with the 16-hour Uniform Course of Legal Instruction as well as steps taken to correct any delinquencies. These records should be maintained from inspection to inspection.

4-2 REPORT OF STATE LEGISLATION (See MAOP, Part II, 4-8.)

Field offices covering state capitals are to promptly advise FBIHQ, Attention: Office of the General Counsel of the enactment of any state legislation or the introduction of any bill in a state legislature that affects FBI interests. The report should be captioned "State Legislation - (name of state)." In the absence of such legislation, the Chief Division Counsel is to prepare, annually on December 31, a certification that he/she has reviewed state legislation for the preceding year, with negative results. The certification need not be submitted to FBIHQ, but is to be maintained in field office files.

4-3 REPORT OF LEGAL PROBLEMS (See MAOP, Part II, 4-8.)

All field offices are to prepare a semiannual report addressed to FBIHQ, Attention: Office of the General Counsel, Attention: Legal Instruction Unit, by electronic communication (EC) captioned "Significant Legal Developments – name of office" regarding the following matters:

- (1) Court action in which a court, in any criminal, civil, or military case, rules adversely to the prosecution on defendant's motion to suppress evidence obtained or offered by the FBI. Advise if adverse ruling is to be appealed.
- (2) Court action in any case in which the court rules that an FBI complaint or an arrest warrant or affidavit for a search warrant was defective. Enclose with the EC a copy of the court order or opinion and a copy of the complaint or affidavit. Advise if appeal is being taken.
- (3) Any ruling prejudicial to the prosecution, any mistrial declared or reversal of conviction which is the result of FBI action in the case. Enclose a copy of the court order or opinion. Advise if any appeal is being taken.
- (4) Any ruling or opinion in which a court criticizes, condemns, or otherwise adversely comments on an FBI practice or technique in a particular case or a general practice or procedure of the FBI, regardless of whether the court orders suppression of evidence or other sanctions for the conduct. Enclose a copy of the court order or opinion.

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(5) A legal problem of a policy nature affecting Bureau cases generally (as distinguished from a specific problem arising in a particular case) which must be resolved but cannot be resolved with the USA, magistrate, marshal, or other official at that level should be reported promptly. However, these problems are not included in the semiannual report.

(6) Any ruling, opinion, or court action which is positive in nature and may prove beneficial to investigative activities Bureau wide.

4-3.1 Preparation of Report

The semiannual report should be in the form of an EC to the Office of the General Counsel, Attention: Legal Instruction Unit, submitted by June 15 and December 15 of each year, and should be prepared by the Chief Division Counsel to ensure that all relevant ramifications are identified and explained in detail. Identify the case by title and character in the body of the EC. Submit a report promptly where court action deserves immediate notification. Refer to such reports in the following semiannual report. Where no court action, as described, has occurred during a particular period, a report does not need to be submitted.

4-4 NOTIFICATION TO FBIHQ OF SIGNIFICANT CIRCUIT COURT OPINIONS

Each office of prosecution, by close liaison with the office of the U.S. Attorney, should assure that it is promptly advised of any Circuit Court decision which has a significant impact on the operations of the FBI. Since the attorney of record (Assistant U.S. Attorney, generally) will be promptly informed of the disposition of his/her case by the appellate court, arrangements should be made for timely notification of these important decisions, either directly or through the case Agent, to the Chief Division Counsel. The Chief Division Counsel in turn should advise FBIHQ, Attention: Office of the General Counsel, of such cases. Communication of these decisions should be made by expeditious means (teletype, telephone), if deemed necessary by the Chief Division Counsel. A copy of the Circuit Court opinion should be obtained as quickly as possible and forwarded to the Office of the General Counsel, FBIHQ.

4-5 PENDING CASES BEFORE UNITED STATES SUPREME COURT

The Legal Instruction Unit, Office of the General Counsel, will follow in the "Criminal Law Reporter" and/or "United States Law Week" all FBI cases appealed to the Supreme Court, and will advise the office of origin of the disposition of such cases in the Court.

4-6 SUBMISSION OF DISPOSITION FORM (R-84) TO FBIHQ (See MAOP, Part 2, 3-5.4; MIOG, Part 2, 14-15.1.1(7).)

In any case, where a field office takes credit on an FD- 515 for the arrest or conviction of an FBI subject in connection with violations of a federal law, the Office of Origin of the case must ensure that the Criminal Justice Information Services Division (CJIS) is advised of the final disposition or any amended disposition. This can be accomplished by forwarding a Final Disposition Form (R-84)

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to the CJIS division. If the Office of Origin has determined that another field office or other criminal justice agency has already submitted the disposition to the CJIS Division, it is not necessary to forward the R-84. However, the Office of Origin must document in the investigative file the identity of the agency or lead office which submitted the R-84 and similarly note such information in the "Remarks" section of the FD-515.

4-7 CHIEF DIVISION COUNSEL, ASSOCIATE DIVISION COUNSEL, AND LEGAL ADVISORS (See MAOP, Part I, 3-2.21.)

(1) Chief Division Counsel - A Chief Division Counsel (CDC) shall be selected for each field office. In those offices where the CDC position has been upgraded to a permanent GS-14 or GS-15, the selection shall be in the following manner:

(a) Vacancies shall be advertised through the Executive Development and Selection Program (EDSP);

(b) Candidates wishing to compete shall submit FD-638s to the Special Agents' Mid-Level Management Selection (SAMMS) Board and to the candidate's division head;

(c) A CDC in one field office can apply for the same position in another field office; however, these transfers ordinarily will be approved only in circumstances where a CDC in a smaller field office is applying for the CDC position in a substantially larger field office. ADCs will be permitted to compete for CDC positions in any field office, but will be permitted to transfer laterally to an ADC position in another field office only when a fully qualified candidate is not identified in the advertising field office.

(d) Following review of the FD-638s, and consultation with the division head where the vacancy is located, the General Counsel will recommend a candidate to the SAMMS Board which is responsible for final selection.

Candidates for the above-described CDC position must: be Special Agent attorneys with at least three years of investigative experience; be members of the bar; and have completed the Basic Legal Advisors' In-Service. (2) Associate Division Counsel (ADC) - Where justified by the nature, volume, and complexity of legal work, a field office is permitted one full-time GS-14 ADC, in addition to the CDC, for each 200 Special Agents represented by the Target Staffing Level of that office. Upon the recommendation of the Assistant Director in Charge (ADIC) or Special Agent in Charge (SAC), the General Counsel may approve the creation of the appropriate number of positions.

An ADIC/SAC may consider staffing the position of ADC with either an Agent or non-Agent attorney. The selection process will depend on the decision to use Agents or non-Agents. If competition is limited to Agents, selection and qualifications shall be the same as for CDCs as described above. If competition is opened to non-Agents, such applications will be considered along with the FD-638s submitted by Agent-attorneys as the result of a fieldwide posting through the EDSP.

(3) Legal Advisor - The term "Legal Advisor" shall continue to be used to describe an Agent-attorney who has completed the Basic Legal Advisors' In-Service, and is available to provide legal

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instruction or legal advice/assistance to FBI or other law enforcement personnel. Selection of Agent-attorneys to attend the Basic Legal In- Service shall be at the discretion of ADIC/SAC.

4-8 DUTIES OF CHIEF DIVISION COUNSEL (CDC) AND ASSOCIATE DIVISION COUNSEL (ADC) (See MAOP, Part II, 4-2, 4-3 and 4-9.)

(1) The CDC is the chief legal officer in an FBI field office. As such, the CDC is responsible to ensure the appropriate handling of all legal programs within the office, as well as to ensure that all legal problems that arise are appropriately addressed. The primary duties of the CDC include providing legal counsel and advice to office management, supervisors and investigators on administrative and operational matters; providing or assisting in the defense of litigation filed against the FBI and its employees; monitoring and reporting legal problems or matters of interest arising in the division; conducting necessary research; providing legal training to FBI and other law enforcement personnel; and establishing and maintaining liaison with the U.S. Attorney's office, state and local prosecutors, and other government attorneys involved in law enforcement. CDCs are also responsible for other legal duties that may be assigned or specifically approved by the Office of the General Counsel.

(2) The ADC shall work under the supervision of the CDC and shall perform those duties delegated or assigned by the CDC.

4-9 LEGAL ADVISORS (LA)

The LA is to assist the CDC and/or ADC in the duties described in 4-8.

4-10 APPOINTMENT OF CHIEF DIVISION COUNSEL, ASSOCIATE DIVISION COUNSEL AND LEGAL ADVISORS AS SPECIAL ASSISTANT UNITED STATES ATTORNEYS

(1) Prior to the appointment of any Chief Division Counsel, Associate Division Counsel or Legal Advisor (LA) as a Special Assistant United States Attorney (SAUSA) by the applicable United States Attorney (USA), the affected field office, through its Chief Division Counsel, must first obtain Office of the General Counsel (OGC) approval. The requesting electronic communication should contain the following information:

(a) The name and background of the proposed appointee. This should include the appointee's EOD date, legal education, bar membership, status in the Bureau's Legal Program and present investigative caseload.

(b) Information concerning the responsibilities of the proposed SAUSA position. This should include the name of the requesting USA and those responsibilities the USA proposes be assumed by the SAUSA.

(c) The reason the USA has made this request, i.e., the burden now carried by the USA which could be relieved by appointment of an SAUSA.

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- (d) The term and expiration date of the proposed appointment.
 - (e) SAC approval. This should include the SAC's assessment of the effectiveness of the SAUSA proposal and its benefit to the FBI. It should also include an opinion concerning any impact upon that office's ability to perform its investigative functions and the ability of the proposed SAUSA to fulfill his/her assigned duties as a Special Agent.
- (2) If OGC approves the request it will include in its notification the following:
- (a) Any limitations placed upon the responsibilities of the SAUSA. The proposed appointee will also be reminded that he/she is not to broaden these responsibilities without OGC approval and of any applicable restrictions found in Title 28, Code of Federal Regulations, Section 50.15 concerning representation matters or in Rule 6(e), Federal Rules of Criminal Procedure, regarding federal grand jury matters.
 - (b) That the proposed SAUSA is not to assume the additional SAUSA functions unless and until the requesting USA has received the appropriate DOJ approval pursuant to UNITED STATES ATTORNEYS' MANUAL, Sections 1-3.540, 10-2.230 and 9-11.352, and the SAUSA has executed the required oath of office.
 - (c) That the SAUSA is to serve without any compensation other than that which he/she is presently receiving under his/her appointment as a Special Agent of the FBI.
- (3) When an appointment as an SAUSA is set to expire, an electronic communication must be sent to FBIHQ, Attention: Office of the General Counsel, advising whether the appointment will expire or be renewed. If the appointment is renewed under the same terms and conditions as previously approved, a request for continued authority should be submitted UACB. If a change in the duties, responsibilities or conditions is sought, the information identified in paragraph (1), above, must be provided.

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SECTION 5. PRESS – PUBLICITY (Deleted – See *Public Affairs Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

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SECTION 6. PROCUREMENT, PAYMENTS, AND PROPERTY

6-1 TRAVEL EXPENSES - TRANSPORTATION ALLOWANCES (See MAOP, Part 2, 6-1.1.6(4), 6-3.6(7); Legal Attache Manual, Section 5.)

All routine travel, with the exception of SACs and LEGATS, must be authorized by an official occupying a higher level position than the traveler. The authorizing official should be in a position to know whether the travel best serves the needs of the agency. In general, the official who authorizes travel should also approve the travel reimbursement. Administrative Officers may authorize and approve travel of support personnel.

(1) Travel Expenses - Transportation Allowances - An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of official business. These expenses include the cost of transportation, per diem, mileage allowance for use of personally owned vehicle, auto and taxi hire, parking, telephone calls, and gas and oil for Bureau vehicles. The regulations governing the reimbursement for these expenses are found in the Federal Travel Regulations (FTRs).

(a) Federal employees with disabilities may be reimbursed for the necessary additional travel expenses incurred in the performance of official business. The SF-1012, travel voucher, must state that the additional travel expenses were incurred by an employee with a disability. The following travel expenses incurred as a direct result of an employee's disability will be reimbursed:

1. Transportation and per diem for an attendant to accompany an employee with a disability who is incapable of traveling alone and requires the assistance of an attendant. The attendant does not have to be a member of the employee's immediate family;
2. Cost of specialized transportation to, from, and/or at the temporary duty location;
3. Cost of specialized services provided by commercial carrier to accommodate the employee's disability;
4. Cost of baggage handling at lodging facilities or terminals incurred as a direct result of the employee's disability; and
5. Cost of renting and/or transporting a wheelchair.

(2) Transportation Allowances - Travel on official business shall be by the method of transportation which will result in the greatest advantage to the government, cost and other factors considered. Generally, travel by common carrier (air, rail, or bus) will be the least costly and result in the most expeditious performance of travel and should be used whenever it is reasonably available. The traveler shall use the method of transportation administratively authorized or approved by the agency as the most advantageous to the government. To that extent, all travel between designated city pairs must be made using the city-pair contract carrier. Any additional cost(s) resulting from the use of a method of transportation other than that specifically authorized, approved, or required by regulations shall be the traveler's responsibility.

(a) Employees are expected to use the most direct and expeditious routes to perform government travel. When an employee travels by an indirect route or interrupts travel by a direct route for his/her personal convenience, the extra cost associated with that travel must be borne by the employee. Travel which begins at a location other than the employee's official duty station (i.e., leave point, weekend residence) and/or travel to an intermediate location (for personal reasons), either prior to or upon completion of the TDY assignment, is considered "indirect travel." The government fare and/or contract fare may not be requested for any portion of travel which is indirect.

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(3) Conference Planning and Travel - All entities sponsoring conferences (meetings, retreats, seminars, training, or other similar events which involve travel) shall exercise strict fiscal responsibility by selecting conference sites that minimize administrative and travel costs. In considering sites, government-owned or government-provided facilities should be used to the maximum extent possible and places that appear to be extravagant to the public should be avoided unless a cost analysis shows a savings to the government from the selection of that particular site. The selection of a particular conference site must be personally approved by the division head, and if travel involves regional training held outside the FBI Academy, by the Executive Assistant Director for Administration, taking into consideration the cost analysis of the alternate sites. (See MAOP, Part 2, 8-14.)

(a) At least three locations should be considered in the selection of each conference site. A cost comparison must be performed for each location considered. The cost analysis must take into consideration such factors as transportation, meals, lodging at the per diem rate, convenience of conference location (whether a car rental will be needed), availability of meeting space, equipment, materials, supplies, and light refreshments. Prior to making any arrangements with a facility, you must contact a Contracting Officer, as this employee is the only individual who can obligate the FBI to an expenditure of funds, sign agreements and/or contracts.

(b) Every effort should be made to procure lodging accommodations within the prescribed lodging rate; however, when that is not possible, the division head may authorize reimbursement of the conference lodging allowance. The conference lodging allowance is a predetermined maximum allowance that may be authorized for lodging of up to 25 percent above the prescribed lodging rate. If the conference lodging allowance is still inadequate to cover the cost of lodging, a written request must be submitted to the Travel Advance and Payment Unit, Accounting Section, Room 1270, requesting reimbursement of lodging on an actual expense basis in accordance with established policy (see MAOP, Part 2, 6-1.3(3), 6-1.5 and 6-1.5.1). Under no circumstances can the division head approve a conference allowance in excess of 25 percent above the lodging rate.

1. When the conference lodging allowance is authorized, it applies to ALL GOVERNMENT EMPLOYEES attending the conference. The FBI entity sponsoring the event (in whole or part) must ensure that all advertisements and/or communications regarding the conference include the fact that the conference lodging allowance has been authorized and the maximum amount that will be reimbursed for lodging.

2. Employees attending events sponsored by a nonfederal source, wherein the prescribed lodging rate is inadequate to cover the cost of lodging, may submit a written request to his/her approving official, requesting authorization to claim the conference lodging allowance in connection with attending the event sponsored by a nonfederal source.

3. When the conference lodging allowance is authorized, employees/attendees will be reimbursed the actual amount incurred for lodging, up to the conference lodging allowance, supported by the original lodging receipt and a copy of the communication/advertisement authorizing the conference lodging allowance for that particular conference.

(c) A conference which involves travel by 30 or more employees must also be approved by the Assistant Director (AD), Finance Division (FD). Requests should be forwarded to the Attention: Travel Advance and Payment Unit, Room 1270, for subsequent review and approval by the AD, FD. The request should include a cost analysis of each location considered and the reason(s) for the selection of that particular site.

The number of FBI employees attending conferences sponsored by other organizations must also be held to the minimum necessary to accomplish the mission of the agency. Current Department policy limits the number of attendees at conferences and meetings to two or three. This directive does not affect employees who attend field operational meetings to accomplish specific program missions.

(d) Federal funds may not be used to sponsor a conference, meeting, or training seminar in a hotel or motel not meeting the fire protection requirements. (See 6-1.3.2 (3)(a).)

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(e) Light Refreshments - The hosting entity may at his/her discretion provide light refreshments during breaks for employees attending conferences. The authority to provide light refreshments only extends to conferences/meetings where the majority of the employees attending the event are in a travel status. APPROPRIATED FUNDS MAY NOT BE AUTHORIZED FOR THE PURCHASE OF LIGHT REFRESHMENTS SERVED IN CONNECTION WITH CONFERENCES/MEETINGS CONDUCTED IN THE LOCAL COMMUTING AREA. The cost of providing light refreshments is an administrative cost of putting on the conference.

1. Light refreshments include, but are not limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, and muffins. Employees are not required to take a deduction in the M & IE allowance for light refreshments provided during breaks. HOWEVER, IF THESE SAME ITEMS ARE PROVIDED TO EMPLOYEES AS A CONTINENTAL BREAKFAST, AN APPROPRIATE MEAL DEDUCTION WOULD BE REQUIRED because the M & IE allowance includes an amount sufficient to cover the cost of breakfast, lunch, and dinner.

(4) Attendance at Funerals - As a general rule, agencies may authorize only that travel which is necessary to accomplish the purpose of the government effectively and economically and, generally, attending funerals is not considered necessary for these purposes. By federal statute, however, a federal law enforcement officer may attend, in an official capacity, the funeral of a fellow federal law enforcement officer killed in the line of duty (Title 5, USC, Section 6327). Component heads may designate at least one Special Agent and/or support employee to attend the funeral services. Other employees may be designated at the Component Head's discretion based on their close personal or professional association with the deceased.

(a) In addition, the Comptroller General has advised that an agency head or delegate may determine, based upon "the significance of the deceased to the agency" (B-275365 (December 17, 1996)), that attendance at a funeral by AN OFFICIAL AGENCY REPRESENTATIVE constitutes official business. The Special Agent in Charge or division head (or higher authority) with the greatest relationship to the deceased may determine that attendance at a particular funeral constitutes official business and may select the official representative, who may attend the funeral at government expense. While the Bureau may fund the travel expenses only of the official representative, Bureau policy permits "Office/Division heads or their designees to grant employees who hold a close personal or professional association with the deceased a reasonable amount of administrative leave to permit them to attend, in their personal capacity and at their own expense, the funeral of another Bureau employee or a close relative of a Bureau employee." (See Leave Policy Manual.)

(b) Employees should consult the Leave Policy Manual and/or the Accounting Section, Finance Division, with respect to attendance or participation in military funerals or other circumstances not addressed herein.

(5) Attendance at Retirement Functions - Employees may not be reimbursed for expenses to attend retirement functions or related events away from their official duty station unless they do so in an official capacity. To attend in an official capacity requires that the designated participant perform an officially recognized role in furtherance of the FBI's mission and be authorized to do so by the Director or his designee. Except in rare circumstances, only one designated participant will attend such events as the designated FBI official. All other individuals attending the function will be personally responsible for their own transportation, lodging, and meal expenses incurred to attend the event. (See MAOP, Part 2, 6-1.3.1 (5)(a) regarding local travel to attend retirement functions, anniversaries, or other similar events.)

6-1.1 Common Carrier Transportation Services (See MAOP, Part 2, 6-1.1.6 and 6-4.1 (4).)

All passenger transportation services by common carrier must be procured through Omega World Travel or directly from the contract airline carriers and will require the use of the MasterCard or Government Travel Account (GTA). In addition, Legat personnel may use the Department of State (DOS) travel service provider. The utilization of the Standard Form 1169, U.S. Government Transportation Request (GTR), to procure

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passenger transportation services (airline tickets) is limited to travel performed by Legat personnel. The GTA cannot be used to obtain airline tickets for cost-reimbursable contractors (contract employees) performing official government travel.

(1) Airline tickets for reservations made through the Travel Management Center (currently Omega World Travel) will be issued through Electronic Ticketing (E-Ticketing). Paper tickets will only be issued for travel where E-Ticketing is not available. Effective January 1, 2000, there will be a service fee for all ticketing transactions.

(a) The transaction fee charged by the DOS travel service provider should be handled on a cost-reimbursement basis.

6-1.1.1 Utilization of GTRs

(1) The utilization of GTRs to procure common carrier transportation for official travel is limited to use by Legat personnel. The Legal Attache or his/her designee is authorized to issue books of GTRs or individual transportation requests to employees performing official government travel. Space for recording the issuance of GTRs is provided on the inside cover of the GTR book. The name of the person to whom a book is issued must also be shown on the inside cover of the book. When there is a change in the Legal Attache, the successor must execute a receipt for the GTRs on hand and forward it to FBIHQ, Attention: Property Management Unit, Property Procurement and Management Section (PPMS), Finance Division (FD).

(2) When a book of GTRs is issued, an FD-254 must be executed and promptly forwarded to FBIHQ, Attention: Property Management Unit, PPMS, FD, National Place, Suite 504. The receipt must reflect the number of requests in the book, date, name and title of individual to whom the GTRs were issued, and be signed by that individual.

(a) When an employee is transferred back to the U.S. from a foreign post, any GTRs, whether a full or partial book, in his/her possession must be surrendered by the employee prior to his/her return. The Legat office should retain the GTRs for reissuance. When the full or partial book is reissued, a new FD-254 must be executed and promptly forwarded to the Property Management Unit, PPMS, FD, National Place, Suite 504.

(3) The GTR is self-explanatory and all appropriate blanks should be filled in by the traveler. Horizontal lines should be drawn through spaces not used. If the space provided on the front of the GTR is insufficient for the required information, use the reverse side of the GTR. Enter the purpose of travel in the fiscal data space on both the original and the memorandum copy. (See MAOP, Part II, 6-1.2.1(4).)

(4) GTRs are to be issued to the airline carrier. They may be issued to travel agencies only for travel within foreign countries (except Canada and Mexico), or between foreign countries, at charges not exceeding those otherwise payable to the carriers used. A GTR should only be issued for the amount of the authorized travel.

(5) When two or more persons are traveling together to the same destination, one GTR may be issued for the joint trip. The identity of all travelers, other than the issuing officer, must be indicated on the reverse side of the GTR. When a GTR is used for the transportation of dependents in connection with official transfers to/from an overseas location, the names and ages of the dependent children should be shown on the reverse side of both the original and memorandum copies of the GTRs.

(6) An employee must account for all tickets purchased with GTRs. Even if no reimbursable expenses are incurred, an itinerary of the travel for which GTRs are issued must be furnished on the employee's monthly travel voucher. GTRs issued for dependent travel should be accounted for on the travel voucher submitted by the employee.

(7) GTRs are not to be used for:

(a) The purchase of a group of one-way or books of round-trip tickets.

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(b) Toll roads, toll bridges, taxicabs, airport limousines, intercity transit, so-called "Drive-Ur-Self," or for hire automobile services.

(8) Deleted

6-1.1.2 Procurement of Common Carrier Transportation (See MIOG, Part 2, 23-8.2.)

(1) The regulations which prescribe the use of the MasterCard and Government Travel Account (GTA) are also applicable for tickets purchased using GTRs. (See MAOP, Part 2, 6-4.1, 6-4.12.2 and 6-4.12.3.) The MasterCard, GTA, or GTR (limited to use for travel by Legat personnel) is only to be used to obtain passenger service for official travel. In the event personal travel or indirect travel is made in conjunction with an official trip, the MasterCard, GTA or GTR can only be used to pay for that portion of travel which is for official business. The employee must pay the additional cost for the personal travel out of his/her own personal funds. Under no circumstances should an employee use the MasterCard, GTA, or GTR to pay for the full fare of a ticket which includes personal travel and remit the amount of the personal travel by personal check or subtract it from the SF-1012, Travel Voucher, claiming reimbursement for the travel.

(a) Deleted

(2) Government funds SHALL NOT be used to pay for a class of service other than coach-class accommodations, unless prior approval is granted authorizing the use of a higher class of service. When a class of service other than coach class is required for official travel, the employee must complete in advance of the travel an FD-724, Request/Authorization for the Use of Service Higher Than Coach. The FD-724 must indicate the circumstances requiring a higher mode of transportation. Requests for upgraded air travel should only be authorized under extenuating circumstances. Circumstances justifying the use of first class or premium class other than first-class accommodations (e.g., business class) are limited to the following: (1) No other commercial service is reasonably available within 24 hours of the employee's scheduled departure or arrival time. When this situation occurs, the traveler must provide documentary evidence of the circumstances as to why coach-class accommodations are not available; (2) Travel is necessary to accommodate an employee's disability or physical impairment and such condition is substantiated in writing by a competent medical authority; or (3) exceptional security circumstances require such travel, such as 1) travel by Agents in charge of protective details accompanying an individual authorized to use first class; or 2) travel by couriers or control officers accompanying controlled pouches or packages and no other class of service is available. (See MAOP, Part 2, 6-1.1.3.)

(a) In addition to the above circumstances, premium class other than first-class accommodations (e.g., business class), may be authorized in situations where the scheduled flight time (including stopover) between the origin and destination points exceeds 14 hours. The authority to approve airline upgrades for travel in excess of 14 hours also extends to travel on transfer. When this authority is exercised, the employee shall not be eligible for a rest stop en route or a rest period upon arrival at the temporary duty point. An aircraft with only two classes (sections) of seats is considered for purposes of official travel to have only coach-class and first-class accommodations. Therefore, if the aircraft only has two classes of seats, the employee must travel in coach-class accommodations because the higher class is considered first class.

(b) Requests by field personnel for airline upgrades should be forwarded to their SAC or Legal Attache for approval. Requests for upgraded accommodations for the SAC's or Legal Attache's travel should be forwarded to the Deputy Assistant Director (DAD), Finance Division (FD) for approval. Requests for upgraded accommodations for FBI Headquarters (FBIHQ) personnel may be approved by the Assistant Director (AD) and, in the AD's absence, the DAD. Requests for upgraded accommodations for DADs and above must be approved by an official occupying a higher level position than the requester. The approved FD-724 must be attached to the employee's SF-1012, Travel Voucher, claiming reimbursement for the travel. Additionally, all first or business class reservations must be made through Omega World Travel at FBIHQ.

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(c) A copy of each request wherein first-class travel is authorized must be forwarded to the Travel Advance and Payment Unit, Room 1270, to satisfy GSA reporting requirements.

(3) The use of the GSA-negotiated contract carriers is mandatory for all travel between designated city-pairs. The contract carrier must be used regardless of whether the airline ticket is procured through Omega World Travel or directly through the contract carrier. Reservations shall be requested initially of the contract airline offering the lowest contract fare; if that carrier cannot provide the requested service, the carrier(s) offering the next higher contract fares, in progressive order, shall be used.

(a) Employees may not use other airline carriers based on personal preference or dissatisfaction with a particular airline. A government fare equal to or less than the amount offered by the contract carrier is not justification for using another carrier.

(4) Air travel between designated city-pairs by carriers other than the contract carriers must be approved in advance of the travel. Authorization to use a noncontract carrier must be approved in the field office by the SAC or ASAC, and at FBIHQ by a Unit Chief or above. Employees that travel between designated city-pairs by noncontract carriers without the appropriate authorization and approval will be personally responsible for any costs in excess of the applicable contract fare. A memorandum, signed by the designated authorizing official, must be attached to the voucher, setting forth the circumstances that necessitated the use of a noncontract carrier. Justification for the use of noncontract air carriers is limited to the following:

(a) Space or scheduled flights are not available in time to accomplish the purpose of travel.

(b) The scheduled flight of the contract carrier is not compatible with the organization's policies and practices regarding travel during regularly scheduled work hours.

(c) A cost comparison substantiates that: (1) a restricted or unrestricted coach fare, available to the general public, is lower than the contract fare, and other cost factors being equal; or (2) the use of a noncontract coach fare available to the general public plus the cost of such factors as ground transportation, overtime, and additional overnight lodging expenses would result in lower costs to the government than if the same cost factors were added to the contract fare.

(d) Rail service is available, and the use of such service is cost effective.

(e) Smoking is permitted on the contract flight, and the nonsmoking section of the aircraft is unacceptable to the traveler (commonly referred to as second-hand smoke).

(5) The Fly America Act, as implemented by the Comptroller General's guidelines, requires federal employees and their dependents, consultants, contractors, grantees and others performing United States government-financed foreign air travel to travel by U.S. flag air carriers.

(6) Travel via a foreign carrier will not be authorized to perform official government travel for which the services of a U.S. flag carrier are available to accomplish the same travel, regardless of the cost. The Federal Travel Regulations provide that if an employee improperly uses a foreign carrier, he/she will not be reimbursed for any transportation (airfare) cost incurred for use of the foreign carrier. In order to avoid the risk of an employee not being reimbursed for his/her travel, all requests for use of a foreign carrier must be directed to the Travel Advance and Payment Unit, Room 1270. The request should be accompanied by a statement from Omega World Travel that there is no U.S. flag carrier service available to perform the travel authorized. If travel by a foreign carrier must be authorized, it will only be authorized for the portion of the trip for which there is no U.S. flag carrier service available.

SEE MAOP, PART 2, 6-1.1.3, RE THE FREQUENT FLYER AWARDS PROGRAM.

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6-1.1.3 Frequent Flyer Miles and Promotional Benefits (Formerly at 6-1.1.2) (See MAOP, Part 1, 1-14.)

(1) Frequent Flyer miles and promotional benefits and materials earned in connection with official business travel may now be retained by the employee for personal use. Any fee associated with joining a frequent traveler program must be borne by the employee and is not reimbursable from appropriated funds.

(a) Employees may not select noncontract carriers to perform official travel for the purpose of accumulating frequent flyer miles. Carriers must be selected based on the GSA contract fare for travel between designated city-pairs.

(b) IRS has advised that frequent flyer miles and promotional benefits earned in connection with official travel, but used for personal travel, will not be considered taxable income.

(2) Employees may use frequent flyer miles earned in connection with official business travel, as well as miles earned in connection with personal travel to upgrade to premium class (business or first) accommodations. However, reimbursement will be limited to the contract airfare, unless the travel meets one of the exceptions for requesting an upgrade in airline accommodations. (See MAOP, Part 2, 6-1.1.2.)

(3) While employees are under no obligation to use frequent flyer benefits for official travel, the Travel Savings Program remains available to any employee who chooses to use such benefits to obtain a free ticket for official travel. (See MAOP, Part 2, 6-1.3.4.)

(4) Complimentary airline tickets. If you are performing official travel and you voluntarily give up your seat on the airplane, you may keep whatever compensation the airline gives you for vacating your seat for personal travel. However, you may not volunteer to give up your seat if it will interfere with the performance of official duties. Also, if the delay extends your travel time during normal duty hours, you must take the appropriate annual leave. For example, if you are scheduled to arrive at the official duty station/temporary duty location at 12:00 noon, and you volunteered to give up your seat, you would be required to take annual leave beginning at 12:00 noon until the end of the workday.

(a) If you are performing official travel and the airline denies you boarding (you did not volunteer) on a flight that you have been issued an airline ticket, any compensation you receive from the airline for this inconvenience becomes the property of the government. The compensation may be used for future official business travel, but it may not be used for personal travel.

6-1.1.4 Unused Tickets Purchased with a GTR

(1) Under no circumstances should a traveler apply for refunds or credits for furnished service or unused tickets or portions thereof issued in exchange for GTRs. All unused tickets must be forwarded to FBIHQ with an appropriate voucher by the fifth working day of the month following that in which expenses were incurred together with the reason for nonuse. If a travel voucher is not necessary, the unused ticket together with the Travel Request Form (FD-540) should be forwarded by correspondence to FBIHQ, Attention: Commercial Payments Unit, Room 1993.

(2) Reserved space must be canceled as soon as the employee learns that such space will not be used in order to avoid any possible assessment of cancellation charges.

6-1.1.5 Lost or Stolen GTR

If a GTR is lost or stolen, the accountable employee must advise FBIHQ, Commercial Payments Unit, immediately of the circumstances surrounding the loss and furnish the identifying number(s) of the missing GTR(s). If a lost or stolen GTR has been executed, the accountable employee should immediately advise the designated carrier not to honor the GTR should it be presented. If a lost or stolen GTR is subsequently recovered, it should be marked canceled and forwarded to FBIHQ, Attention: Commercial Payments Unit. A recovered GTR should not be used under any circumstances.

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6-1.1.6 Omega World Travel (See MAOP, Part 2, 6-1.1 and 6-4.1.)

(1) The Department of Justice (DOJ), to include the FBI, are in the process of implementing the governmentwide E-Travel System. The internet-based system offers end-to-end travel services from planning the trip, creating the travel authorization, making travel reservations, and preparing the travel voucher. DOJ has selected Electronic Data System (EDS) as the vendor to provide the E-Travel System. As part of this initiative, Omega World Travel will continue to be the travel agency, arranging for travel and transportation services for employees performing official business travel.

(2) Until the E-Travel System is fully implemented, FBI employees may continue to utilize Omega or make reservations directly with the contract carrier airlines. The Omega office currently residing at FBIHQ will close effective 3/31/2005. Employees can make necessary travel reservations by calling the following [redacted] telephone numbers.

Pacific time zone [redacted] Mountain time zone [redacted] Central time zone [redacted]
Eastern time zone [redacted] Facsimile [redacted] After hours number [redacted]

In an emergency Omega can be contacted seven days a week, 24 hours a day, at [redacted]

(3) All first- and/or business-class travel reservations must be made through Omega World Travel at FBIHQ. A copy of each request wherein first-class travel is authorized must be forwarded to the Travel Advance and Payment Unit, Room 1270, to satisfy GSA reporting requirements.

(4) For rules and guidelines regarding travel allowances, upgrades and related travel items, refer to Part 2, Section 6-1, of this manual.

(5) Deleted

6-1.2 Processing of Employee Expenses Incurred in Connection With Official Business

(1) REIMBURSEMENT FROM THE DRAFT SYSTEM - Routine monthly travel vouchers (excluding vouchers covering expenses incurred in connection with undercover operations or permanent change of station vouchers) that are within the prescribed dollar amount of the Draft System should be paid in that manner and not forwarded to FBIHQ for processing.

(2) PURPOSE OF TRAVEL REQUEST FORM (FD-540). The FD-540, "Travel Request Form," assists both field and Headquarters' management in monitoring travel expenditures. An FD-540 is required for each voucher for travel-related claims. ANY TRAVEL VOUCHER (SF-1012) THAT IS NOT ACCOMPANIED BY AN APPROPRIATELY EXECUTED FD-540 WILL BE RETURNED TO THE EMPLOYEE FOR IMMEDIATE HANDLING. THIS PROCEDURE APPLIES TO ALL TRAVEL VOUCHERS REIMBURSED FROM THE THIRD PARTY DRAFT OR THOSE SENT DIRECTLY TO FBIHQ FOR PROCESSING.

(3) FD-540. The authorizing official must sign the FD-540 with his/her complete Bureau name; initials will not suffice. The authorizing official must be an official occupying a higher level position than the traveler. In general, the authorizing official who signs the FD-540 should also sign the SF-1012, travel voucher, approving the travel reimbursement.

(a) The FD-540 for an extended temporary duty (TDY) assignment will automatically expire after 90 days at the TDY location. The 90-day period begins at 12:01 a.m. following the day of arrival at the TDY location. Should the assignment continue for more than 90 days, another FD-540 must be completed, and justification furnished as to the circumstances requiring the continuance of the TDY assignment. The FD-540 must also indicate a realistic expectation date as to when the assignment will be completed. At such time the assignment is expected to exceed one year, the authorizing official must notify Travel Advance and Payment Unit, FD, with the identity of the employee who is on an indefinite TDY assignment. From this point forward,

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the travel vouchers in connection with the assignment may no longer be processed by the Draft System, but must be forwarded to FBIHQ for processing so that income tax withholding can be initiated.

(b) Written justification must be submitted by electronic communication or teletype prior to the conclusion of the initial 90-day period to the Transfer Unit, Administrative Services Division.

(c) The FD-540 is a triplicate form with the following copy designation: (1) Pink copy serves as a "justification memo" to be placed in substantive case file thereby eliminating the need for the traveler to prepare another statement of justification; (2) White copy with actual expenses indicated is to be submitted with the SF-1012 (travel voucher); and (3) Yellow copy, a duplicate of the white copy, is to be filed in the Travel Control File for the division.

(4) **NONTRAVEL EXPENSE REIMBURSEMENT.** Nontravel expenses may be paid through the submission of an SF-1012 (travel voucher); however, such expenses should be limited. An FD-540 is required for nontravel expenses submitted for reimbursement on an SF-1012, cluding those miscellaneous expenses detailed on the FD-534. The FD-534 form consolidates appropriate daily miscellaneous expenses which are incurred in connection with official business when it is not feasible to obtain receipts.

(5) **REFER TO THE "TRAVEL CONTROL SYSTEM ON-LINE USER GUIDE" FOR ASSISTANCE CONCERNING THE FD-540.**

(6) **AUTHORIZING OFFICIALS.** Each field office or division must maintain a listing of the names and titles of the authorizing officials authorized to approve travel vouchers. The list must be made available to the voucher person(s) or draft approval officer(s) responsible for reviewing travel vouchers for your entity.

6-1.2.1 Preparation and Submission of Travel Vouchers

An employee may claim reimbursement for expenses incurred in connection with the performance of official business or routine travel expenses (nontransfer related) by preparing an original travel voucher, SF-1012. Employees seeking reimbursement for transfer- related expenses must prepare an original SF-1012 and ONE COPY of the SF-1012-A, memorandum copy. If there are no available copies of the SF-1012-A, a xerox of the original SF-1012 will suffice. However, a xerox copy of the SF-1012-A will not suffice as an original SF-1012. For routine travel expenses, the original SF-1012 and the FD-540 (white copy) are to be forwarded to the division Draft Office or the Travel Advance and Payment Unit (TAPU) for processing and issuance of payment. With regard to transfer-related vouchers, the original SF- 1012, and one copy of the SF-1012-A are to be forwarded to the TAPU, Room 1396, for processing and issuance of payment. To assist employees in the preparation and submission of a travel voucher, the following guidelines are being set forth:

(1) The original SF-1012 must be signed in ink by the employee and his/her approving official; initials will not suffice. All claims for reimbursement of routine travel expenses, with the exception of the Director, SACs, and LEGATS must be approved (signed) by an authorizing official occupying a higher-level position than the traveler. The approving official must sign the voucher with his/her complete Bureau name.

(2) Vouchers may be typewritten or legibly handwritten in ink. Handwritten vouchers submitted in pencil are not acceptable.

(3) The FD-540 number and the date the travel was authorized must be shown in block number seven on the SF-1012.

(4) All travel vouchers must include the "PURPOSE OF TRAVEL."

To ensure uniformity in the way that travel purposes are identified on the travel vouchers, the following categories should be used to define the purpose of travel.

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- (a) Investigative/Operational/Managerial Travel is defined as travel directly supporting investigations. Examples include travel on a subpoena, travel to conduct an interview, or to perform an investigative or managerial function associated with investigations.
- (b) Quantico Training Travel is defined as travel associated with trips to and from Quantico where training is received. This includes not only FBI employees, but police officers traveling to and from the National Academy or other training at Quantico. "Police Training" should be indicated as purpose of travel when the GTA is used to obtain airline tickets for police officers.
- (c) External Training Travel is travel to sites where commercial or other vendor instruction of FBI employees is conducted. This includes all training which requires submission of a Government Employee's Training Act (GETA) form.
- (d) Meeting/Conference/Speech Travel includes travel for the purpose of attending a meeting, conference, convention, seminar, symposium, or for making a speech or presentation, delivering a paper or otherwise taking part in a seminar program.
- (e) Relocation Travel includes all travel in connection with homefinding trips, travel to the new duty station, and temporary quarters.
- (f) Entitlement Travel is travel for which an employee (or dependents) is eligible for in connection with serving at a duty station outside CONUS, i.e., tour renewal travel (for the purpose of taking leave between tours of duty) and educational travel. Tour renewal travel may not be authorized until the employee has completed the agreed upon period of service at the overseas location and has entered into a written agreement to complete another period prior to departing the overseas post.
- (g) Emergency Travel is travel to return an employee from a TDY assignment at government expense to his/her official duty station or alternate location where the employee would normally have traveled to take care of an emergency situation had the FBI not directed the employee to travel away from his/her official duty station to perform official business.
- (h) Other Travel includes all travel not defined by one of the listed categories above. Although stated as "other travel," the travel voucher should indicate the specific purpose of travel. (See MAOP, Part 2, 6-1.1.1.)
- (5) An employee shall submit his/her travel voucher for reimbursement consideration within the following time limitations:
- (a) EMPLOYEE MAINTAINING AN ADVANCE OF FUNDS. An employee maintaining an advance of funds must submit his/her travel voucher within five workdays of completing the trip to liquidate the advance. If the employee is in a continuous travel status, he/she may voucher once every 30 days, or more frequent, if deemed necessary.
- (b) EMPLOYEE WITHOUT AN ADVANCE OF FUNDS. An employee without an advance of funds must submit his/her travel voucher within five workdays of completing the trip. If successive trips are anticipated during the same month, the claims may be included in a single travel voucher and submitted within five workdays of completing the final trip.
- (c) STATUTE OF LIMITATIONS FOR SUBMISSION OF CLAIMS. In accordance with Title 31, USC, Section 3702, the statute of limitations for submitting a claim for reimbursement of travel expenses is six years. All claims submitted must be in accordance with the regulations that were in effect at the time the travel was performed.
- (d) DELINQUENT VOUCHERS in excess of 60 days old from the date the travel concluded must be accompanied by a cover memorandum furnishing complete justification for the delinquency.

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- (6) If an employee has an outstanding advance of funds balance, Section 8 of the SF-1012 (travel voucher) should be completed to indicate the balance outstanding; amount to be applied; and the remaining balance.
- (7) Section 9 of the SF-1012, travel voucher, should be completed and signed by the traveler when money is received from a Petty Cash Fund.
- (8) Section 12 on the SF-1012 requires the listing of all GTRs incidental to the voucher period including tickets obtained from teleticketing offices, and tickets obtained through the use of the Government Transportation Account (GTA).
- (9) Cash payments (i.e., individual meal expenses and taxi fares) in excess of \$75 must be supported by receipts. (See MAOP, Part 2, 6-1.2.3(3).)
- (10) Copies of GTRs and/or passenger coupon(s) of tickets received from teleticketing offices, original receipts of cash payments and other documents supporting claims must be placed in an envelope bearing the name of the employee, month and year for which the documentation is submitted, and stapled to the reverse side of the original SF-1012.
- (a) All claims for reimbursement of airfare (including E-Ticketing) must be supported by the passenger receipt. The employee should obtain the passenger receipt, at the airline ticket counter or boarding gate when checking in at the airport.
- (11) Form FD-534 is to be utilized to consolidate appropriate daily miscellaneous expenses which are incurred in connection with official business when it is not feasible to obtain receipts. The FD-534 is to be prepared in duplicate, setting forth daily itemized expenses and the grand total of such expenses for the monthly period. The original FD-534 is to be attached to the monthly SF-1012.
- (12) A complete itinerary of the travel as performed, including date(s) of arrival(s) and departure(s), and location of travel must be set forth on the SF-1012, Travel Voucher.
- (13) Lodging paid by Government Purchase Order must be identified on the voucher. The Government Purchase Order number and daily cost of the lodging must be indicated on the travel voucher.

6-1.2.2 Use of Privately Owned Vehicles (POVs)(See MAOP, Part 1, 12-3.2.)

(1) POVs - When an employee renders service to the government by using his/her POV or airplane in the conduct of official business within or outside their designated posts of duty or places of service and such use is authorized or approved as advantageous to the government or as an authorized or approved exercise of the employee's preference, payment shall be made on a mileage basis as shown below, not to exceed the constructive cost of coach-class accommodations for one passenger aboard a common carrier.

(a) For use of a privately owned motorcycle - 30.5 cents per mile.

(b) For use of a POV - 40.5 cents per mile, if no government vehicle is authorized, or 28.5 cents per mile when a government vehicle is authorized and for personal reasons you choose to utilize your POV.

NOTE: Reimbursement for use of POV is limited to the constructive cost of travel via common carrier.

Past year's automobile rates are as follows:

Travel on/after 1/1/04 through 2/3/05 \$0.375 cents. Travel on/after 1/1/03 through 12/31/04 \$0.36 cents.

(c) For use of a privately owned airplane 1.07 cents per mile.

(2) Approval for the use of a POV on official business (including travel to Quantico) in a field office must be obtained from the SAC or, in his/her absence, the ASAC. At FBIHQ, approval must be obtained from the Section Chief or, in his/her absence, the Unit Chief. In support of a POV claim, the title and identity of the approving official must be indicated on the voucher.

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(3) In addition to the mileage allowance, a traveler may claim reimbursement for parking fees; ferry fees; bridge, road and tunnel fees; and airplane parking, landing and tie-down fees.

(4) In lieu of using a taxicab, a POV may be used for travel from either the employee's home or office to a terminal or from the terminal to either the employee's home or office and reimbursement at the rate of 40.5 cents per mile may be claimed.

(5) Deleted

(6) The fee for parking an automobile at a common carrier terminal or other parking area while the traveler is away from his/her official duty station shall be allowed only to the extent that the fee plus the roundtrip mileage allowance does not exceed the estimated cost of a taxicab to and from the terminal. A comparative statement indicating that mileage and parking is less than the cost of two taxi fares is required on the voucher.

(7) Travel to a temporary duty assignment within a 50-mile radius of either the employee's residence or office is considered local travel. Reimbursement for local travel expenses must be made on an SF-1012, Travel Voucher. The expenses that may be claimed for local travel include a mileage allowance for the use of a privately owned vehicle (POV) and other miscellaneous costs associated with the use of the POV, i.e., tolls and parking; cost of public transportation or taxicab fare when public transportation is not available. The employee will be reimbursed for local travel expenses, less the amount of his/her daily commuting expense. The employee must note on the SF- 1012 that his/her claim for reimbursement of local travel is limited to the additional out-of-pocket expenses.

6-1.2.3 Miscellaneous Expenses

(1) AUTOMOBILE RENTAL - Approval for the use of a rental vehicle in performance of official business at a field office must be obtained from the SAC or, in his/her absence, the ASAC. At FBIHQ, approval must be obtained from the Section Chief or, in his/her absence, the Unit Chief. This authority may be redelegated at the discretion of the SAC or Section Chief. In the field, the authority may be redelegated to the ASAC, Administrative Officer, or Squad Supervisor and at FBIHQ, the authority may be redelegated to the Unit Chief. Rentals of vehicles for 30 days or less and at a cost of \$1,000 or less may be approved by the authority responsible for approving the travel. Rentals of vehicles for 30 days or less per assignment but at a cost of more than \$1,000 must be approved by personnel having delegation of procurement authority, in addition to the approving official. Rentals for more than 30 days per assignment and at a cost of more than \$1,000 must be approved by the Procurement Unit, Property Procurement and Management Section. The reason for the rental vehicle must be set forth on the FD-540, Travel Request Form, along with the approving official's signature, authorizing the use of a rental vehicle.

(a) Deleted

(b) Deleted

A traveler shall pay for the use of a commercially rented vehicle utilizing his/her government issued travel charge card. Payment may be made with funds obtained through a travel advance, with personal cash, check, etc., or with his/her own personal/government credit card. The traveler shall submit the original paid bill (xerox copies are unacceptable) with the voucher. NO REIMBURSEMENT CAN BE MADE FOR COLLISION DAMAGE WAIVER FEE OR AUTOMOBILE INSURANCE WITHIN CONUS. Should the rental car become involved in an accident while being driven outside the scope of the employee's duties, the employee is personally liable for damages suffered by passengers, third parties, and the vehicle itself. In order to avoid increased liability to the government during regular working hours, the rental vehicle should NOT be used to transport individuals having no direct relationship with the official business. (See MAOP, Part 1, 1-3.1, 12-2.5.1.)

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(2) **TAXICABS** - Reimbursement shall be allowed for the usual taxicab and airport limousine fares, plus tip, between a common carrier or other terminal and either the employee's home or place of business at the official duty station or place of business or lodging at a temporary duty point, or between the airport and airport limousine terminal. However, available courtesy transportation service furnished by hotels/motels should be used by employees to the maximum extent possible as a first service of transportation between place of lodging at the temporary duty point and common carrier terminal. At temporary duty points, public transportation should be used, when available, to commute to and from work and for obtaining meals. Claims for taxi fares other than to and from the common carrier terminals must be fully justified on the SF-1012, Travel Voucher. Reimbursement shall be allowed for tips when courtesy transportation service is used. Claims for taxicab fares exceeding \$25, including tip for travel between employee's home and office and a common carrier terminal must be justified to show a more economical mode of travel could not have been used. In addition, all claims for taxi cab fares in excess of \$75 must be supported by a receipt.

(3) **MISCELLANEOUS COSTS** - These reimbursable costs are local and long distance phone calls (the points of the long distance phone calls must be given); traveler's checks; money orders; certified checks; conversion of currency; fees in connection with the issuance of passports; visa fees; costs of photographs for passports and visas; costs of certificates of birth, health and identity, and of affidavits and charges for inoculation which cannot be obtained through a federal dispensary; and excess baggage. Original receipts for cash expenditures in excess of \$75 are required and must be attached to the voucher. (See MAOP, Part 2, 6-1.2.1 (9).)

(4) **REGISTRATION FEES** - Participants in Bureau-sponsored or co-sponsored events are not to be assessed registration fees. FBI employees who are required to pay registration fees for participation in non-Bureau-sponsored conferences and training sessions may claim reimbursement on their monthly expense voucher (SF-1012) by: (1) enclosing an original receipt; (2) identifying the event's sponsor(s) on the voucher; and (3) identifying on the voucher what is covered by the registration fee. If an employee is receiving reimbursement for meals and incidental expenses (M & IE) allowance and a meal is included in a registration fee paid by the employee, the employee must take an appropriate deduction from the M & IE rate as set forth in Paragraph 6-1.3(1)(e) of this manual. The cost of registration fees should be charged to the Miscellaneous Other Services Account.

(5) **MEMBERSHIP FEES** - Fees of this type are reimbursable under the following conditions: (1) purchased in the name of the Bureau rather than the name of the individual; (2) purchase of membership must be beneficial and contribute substantially to the Bureau's overall mission; and (3) membership must be transferable.

(6) **DUES** - Expenses incurred for dues for individual FBI employees regardless of any benefits that may accrue to the Bureau are not reimbursable. Incidental fees for obtaining permits or licenses necessary to perform the duties of a position are generally personal in nature and, therefore, not reimbursable from appropriated funds.

(7) **PERSONAL TELEPHONE CALLS** - Employees on a TDY assignment for more than one night may make a brief call (no more than five minutes in duration) each day to his or her residence and be reimbursed for the cost of the personal calls. The following guidelines are applicable in connection with the reimbursement of personal telephone calls: (a) the employee must be on official travel and stay overnight at least one night; (b) the telephone call must be to the employee's residence (or to the location of his/her spouse or family member if not at the employee's home); (c) the call must be brief and approving officials should review the duration of the calls to ensure that the call duration is reasonable; (d) the cost claimed does not exceed an average of \$5 per call for calls in the Continental United States (CONUS); or \$5 per call between islands of a United States territory or between foreign countries; or an average of \$7.50 per call to or from a destination within CONUS to a nonforeign location; or an average of \$10 per call for calls to or from a destination within CONUS to a foreign country. The maximum amount an employee shall be reimbursed will apply without regard to the number of calls, dates of calls, or duration of the calls. For example, if an employee is away

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from home for four nights and decides to make only one call in comparison to one call each night, he/she may be reimbursed for the actual cost of the call, up to \$20 (\$5 x 4 nights), the length of the TDY assignment.

1. All calls for which reimbursement is claimed must be itemized on the SF-1012, Travel Voucher, indicating dates, points, and actual cost of each call. If the total dollar amount of the calls exceeds the established rate multiplied by the number of nights away from home, reimbursement will be limited to the lesser amount.
2. If the traveler can substantiate that the call lasted five minutes or less, but cost more than the established amount, the employee may be reimbursed for the actual cost of the call. In these instances, the employee must provide documentation (receipt) to support his/her claim.
3. Employees traveling on government business may also be reimbursed for a reasonable number of brief personal calls home when the employee is delayed due to official business or transportation delay, and calls to notify employee's family of schedule changes. These calls are not counted as one of the personal calls permitted in (d) above.

(8) **PARKING CITATIONS** - Employees are personally liable for all citations issued for parking ordinances and traffic violations while operating any vehicle for official purposes, either government or privately owned. These citations include parking in fire zones or other restricted areas, double parking, nonpayment of parking meter fees, etc.

(9) **ROOM TAX** - For travel within the United States, including U.S. territories and possessions, the room tax is reimbursable as a miscellaneous expense (see MAOP, Part 2, 6-1.6.3). However, the amount which will be reimbursed is limited to the amount of room taxes on the prescribed lodging rate. In connection with foreign travel, the room tax continues to be included in the M & IE allowance.

(a) There are a limited number of states and localities that voluntarily exempt federal travelers from paying room taxes when traveling on official business. (See MAOP, Part 2, 6-1.3.2 (4).) When traveling to these locations, employees are expected to complete the tax exempt certificate and provide the establishment with the necessary documentation in order to be exempt from paying the applicable taxes. A list of the locations offering tax exempt status can be found on the FBI Network by selecting the Employee Self Query (ESQ) application from your FBINET Activity Table. Under the ESQ Menu, there is a Travel Information Main Menu, with options to access the directory of locations offering tax exempt status.

(10) **LAUNDRY/DRY CLEANING** - The cost of laundry, cleaning, and pressing of clothing is generally included in the M & IE allowance. However, for travel performed in the United States in excess of five days, the cost of laundry and dry cleaning may be claimed as a miscellaneous expense. The clothes must be laundered and/or cleaned at the temporary duty (TDY) location and the amount must be reasonable, based on the circumstances of the travel assignment. Reimbursement will not be authorized for clothes that are laundered and/or cleaned on the first or last day of the TDY assignment, or for such expenses incurred after the employee returns to his/her official duty station. Laundry and dry-cleaning expenses incurred in connection with foreign travel is included in the applicable M & IE allowance prescribed for that locality. Claims in excess of \$75 must be supported by the original receipt.

6-1.3 Per Diem Allowances

(1) Effective December 1, 1995, reimbursement for all official TDY travel shall be computed using a flat rate system, consistent with how the meal and incidental expense (M & IE) allowance was reimbursed under the lodging-plus per diem system. Under the flat rate system, better known as "flatlining," the employee shall be reimbursed the prescribed federal per diem rate for the TDY locality for lodging and M & IE, without the benefit of a receipt to support the cost of lodging. The standard CONUS rate shall apply to all TDY locations within CONUS not specifically listed in the prescribed maximum per diem rates for CONUS listed in the

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"Employee Self Query" function of the Bureau Personnel Management System (BPMS). Should the approving official have any doubts regarding the travel, he/she may request that the employee furnish documentation to substantiate his/her travel claims. Documentation may be in the form of a lodging receipt showing "Check in and out" dates, a copy of the passenger boarding pass indicating departure and arrival dates, or any other form of documentation substantiating that the travel took place as claimed.

(a) For each calendar day that the employee is in a travel status and lodging is required, the employee shall be reimbursed the prescribed federal lodging rate for the TDY locality or stopover point where lodging is obtained plus the applicable M & IE rate. If more than one TDY locality is involved, the per diem allowance will be calculated using the highest of the M & IE rates. The M & IE rate payable for the first and last days of travel is three-fourths of the applicable M & IE rate prescribed for the TDY locality. The employee shall be reimbursed the full M & IE rate for each full calendar day he/she is in a travel status. In instances where lodging is obtained after midnight, it should be claimed for the preceding day. The applicable lodging rate for the preceding day will be determined as if the employee had obtained lodging prior to 12 midnight. The date that official travel starts and stops must be shown on the travel voucher. (See MAOP, Part 2, 6-1.5.)

1. When lodging is provided free of charge by the government, or paid for by a Government Purchase Order, the employee SHALL NOT be reimbursed a lodging allowance. His/Her reimbursement will be limited to the applicable M & IE rate for the TDY locality.

2. When lodging is provided by friends or relatives, the employee's reimbursement will be limited to the M & IE rate for the TDY locality unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the SF- 1012, Travel Voucher, as supporting documentation. Such costs may include maid service, bed rental, or documentation of an increased cost in utilities. If the costs incurred are determined to be reasonable, they will be allowed as lodging expenses. (See MAOP, Part 2, 6-1.3.1, 6-1.3.2, 6-2.4.3, 6-2.5.3, and 6-2.6.3.)

3. If an employee stays in government quarters, his/her reimbursement will be limited to the fee or service charge for the use of such quarters. The flat rate SHALL NOT be authorized for lodging accommodations at government quarters. However, employees may claim the difference between the service charge and the prescribed lodging rate as a lodging savings under the Travel Savings Program. (See MAOP, Part 2, 6-1.3.2 (7) and 6-1.3.4 (2).)

(b) If lodging accommodations are not available at the temporary duty location and the employee must obtain lodging in an adjacent locality where the prescribed maximum per diem is higher, the agency may make an administrative determination to approve reimbursement subject to the maximum per diem rate applicable for the locality where lodging was obtained. The employee must furnish information as to the reason that necessitated him/her to obtain lodging outside the TDY location; personal preference or mere convenience will not suffice.

(c) When travel is direct between duty points which are separated by several time zones and at least one duty point is outside CONUS, a rest period not in excess of 24 hours may be authorized or approved when air travel between the duty points is by less than business class accommodations and the scheduled flight time exceeds 14 hours by a direct or usually traveled route. The 14-hour rule does not include commuting time to and from the airport or the recommended two- to three-hour "check-in" time for international flights. The rest stop may be at any intermediate point, including points within CONUS, provided the point is midway in the journey or as near to midway as requirements for the use of U.S. flag carrier permit. The per diem rate will be the rate applicable for the stopover location.

1. In instances where an employee elects to remain at the stopover location in excess of 24 hours, the authorized stopover will be negated, and the cost of lodging and meals will become an out-of-pocket expense.

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(d) For the day travel ends, the per diem allowable shall be three-fourths of the M & IE rate applicable to the preceding calendar day. The M & IE rate for the preceding day will be the M & IE rate for the last temporary duty point, except when lodging is required at an intervening en route stopover point.

(e) The M & IE rate shall be allocated as shown below when making necessary deductions from the per diem for meals furnished to the employee without charge by the federal government:

	M & IE Rates					
	\$30	\$34	\$38	\$42	\$46	\$50
Breakfast	\$ 6	\$ 7	\$ 8	\$ 9	\$ 9	\$10
Lunch	\$ 6	\$ 7	\$ 8	\$ 9	\$11	\$12
Dinner	\$16	\$18	\$20	\$22	\$24	\$26
Incidentals	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2

(See MAOP, Part 2, 6-1.2.3 (4).)

(2) Per diem shall not be allowed when the travel period is 12 hours or less. This rule applies to the total travel period between duty points for relocation purposes within CONUS and not to individual daily increments.

(a) Deleted

(b) When the travel period is more than 12 hours but less than 24 hours, (single day trips), the approving official shall closely review all claims for payment of an M & IE allowance. The employee must incur additional expenses over and above the expenses he/she would have incurred had he/she remained at his/her duty station. If the employee is entitled to claim per diem under this provision, the employee shall be reimbursed three-fourths of the applicable M & IE rate for the TDY locality. If more than one TDY locality is involved, the per diem allowance will be calculated using the highest of the M & IE rates. If lodging is required, the rules for travel of 24 hours or more shall apply.

(3) Conference Lodging Allowance - The conference lodging allowance is a predetermined maximum allowance that may be authorized as reimbursement for lodging of up to 25 percent above the prescribed lodging rate for employees attending conferences. The conference lodging allowance should only be authorized when absolutely necessary to obtain the desired facility at the most advantageous location. The authority to authorize the conference lodging allowance is delegated to the division head. When the conference lodging allowance is authorized, it will apply to all government employees authorized to attend the conference. If the conference lodging allowance is still inadequate to cover the cost of lodging (in excess of 25 percent above the prescribed lodging rate), a written request must be submitted to the Travel Advance and Payment Unit, Accounting Section, Room 1270, requesting reimbursement of lodging on an actual expense basis in accordance with established policy (see MAOP, Part 2, 6-1(3), 6-1.5, and 6-1.5.1).

(4) Extended Temporary Duty - The amount reimbursed to employees for lodging shall automatically be reduced for all TDY assignments in excess of 30 days, with the exception of TDY assignment for undercover operations. The employee shall be reimbursed the applicable M & IE rate for the entire period of the TDY assignment. Long-term rentals such as rooms, apartments, condominiums, or other reasonable accommodations should be used to lodge employees on extended TDY instead of the convenient and/or

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expensive hotel. The lodging rate shall be reduced as set forth below and is reimbursable regardless of the accommodations, except accommodations provided by friends or relatives or free of charge by the government. The employee shall be reimbursed the reduced rate without the benefit of a lodging receipt.

(a) For TDY assignments of 30 days or less, the employee shall be reimbursed the maximum prescribed lodging rate for the TDY locality.

(b) For TDY assignments in excess of 30 days (to a single location), but less than 120 days, the employee shall be reimbursed the prescribed lodging rate for the TDY locality for the first 30 days. Thereafter, the employee shall be reimbursed 75 percent of the prescribed lodging rate.

(c) For TDY assignments in excess of 120 days, the employee shall be reimbursed in accordance with paragraph (b) above until the 120th day. Thereafter, the employee shall be reimbursed 50 percent of the prescribed lodging rate for the TDY locality.

(d) When long-term accommodations cannot be secured within the established rates, a written request must be submitted to the Travel Advance and Payment Unit, Room 1270, requesting authority to obtain lodging in excess of the authorized rate. Requests must set forth the reason(s) that lodging cannot be obtained within the authorized rate, attempts that were made to locate reasonable accommodations, and the approximate cost of available long-term lodging for the TDY locality. When actual expenses for lodging are approved, they will be applicable for the entire TDY assignment, including the first 30 days.

1. All requests wherein reimbursement of lodging has been approved in excess of the authorized rate must be supported by a lodging receipt.

(e) Return trips home - The Federal Travel Regulations provide for employees who are required to perform extended period of TDY to be authorized periodic return travel to their official duty station or place of abode. Although the regulations do not specify or limit the frequency of return travel, it provides for the authorizing official to make prudent use of the weekend return authority. Thus, employees on extended TDY for more than 30 days may be authorized weekend return travel to their official duty station after each 30-day period, provided the assignment would continue for at least two more weeks. To authorize return travel home on a more frequent basis, a written request must be submitted to the Accounting Section, Finance Division, setting forth the circumstances surrounding the TDY assignments which warrants a deviation from the established policy.

1. Weekend return travel should be performed outside the employee's regular duty hours or during period of authorized leave. Authorized leave includes scheduled and approved annual or sick leave, or compensatory time off. Administrative leave may not be authorized for weekend return travel.

2. Weekend return travel may only be authorized to the employee's place of abode, unless travel to an alternate location has been approved by the Accounting Section. Under this authority, place of abode is defined as the place from which the employee commuted daily to/from the official duty station. Requests to travel to alternate locations will only be reviewed and approved in extenuating circumstances.

3. Payment of a per diem allowance shall cease for any time period the employee is away from the TDY location. Per diem for travel days should be prorated accordingly.

(5) Property Management Services - Employees authorized a temporary change in station in connection with a long-term TDY assignment may be reimbursed for Property Management Services. Property Management Services are programs provided by private companies for a fee, which help an employee to manage his/her residence at the old duty station as a rental property while on an extended TDY assignment. These services typically include, but are not limited to, obtaining a tenant, negotiating the lease, inspecting the property regularly, enforcing lease terms, collecting the rent, paying the mortgage, etc. Property Management Services do not include reimbursement for the cost of maintenance/repair work performed on the residence, negative cash flow as a result of insufficient rental income, legal or other related expenses that may be

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required to enforce the terms of the lease or Property Management agreement, etc. (See MAOP, Part 2, 6-2.13 and Legal Attache Manual, Part 1, 5-4.12.)

(a) Employees may only be authorized Property Management Services for the residence at the old duty station from which they commuted to and from work on a daily basis. The title to the residence must be in the name of the employee and/or a member of the immediate family.

(b) Reimbursement for Property Management Services is taxable income, subject to the applicable income tax withholdings.

(6) Taxation of Extended TDY Reimbursements - The Internal Revenue Code has been amended to eliminate the tax liability attached to the travel reimbursement paid to federal employees traveling on behalf of the U.S. in an extended TDY status to investigate or provide support services for the investigation of a federal crime. Travel assignments to a single location in excess of one year or with no realistic expectation date that is not to investigate or provide support services for an investigation of a federal crime, i.e., training, to manage a training program, or to perform administrative duties, is still considered taxable income, subject to the applicable income tax withholdings. (See paragraph (d) regarding reimbursement of the additional income tax liability.)

(a) The event which causes the travel reimbursement (if the purpose of the travel is not to investigate or provide support services for the investigation of a federal crime) to be treated as taxable income occurs at the point of time when the employee has a reasonable expectation that the TDY assignment is not likely to be completed within one year. If it is initially anticipated that the travel assignment will be less than one year, and the assignment is subsequently extended so that it exceeds one year, the travel reimbursement is treated as taxable income beginning with the date when the travel expectation changed. If it is anticipated at the time the travel is authorized that the assignment will last a year or more, all travel reimbursement paid in connection with the assignment is taxable income. Intermittent return trips to the employee's official duty station for weekend visits or vacation do not constitute a break in the extended TDY assignment for income tax purposes.

(b) If you have an employee involved in such an assignment, it is extremely important that you notify the Travel Advance and Payment Unit (TAPU), FD, of the identity of the employee who is on an indefinite assignment, so that income tax withholding can be initiated on the travel reimbursement. Once the travel reimbursement becomes taxable income, all travel vouchers submitted in connection with the assignment must be forwarded to the TAPU for processing and withholding of applicable taxes. Failure to notify TAPU of the identity of such individuals will result in unfortunate tax consequences for the employee.

(c) Employees on extended TDY for training purposes, to manage a training program, or to perform administrative duties will be reimbursed for the additional federal, state, and local income taxes incurred as a result of the travel reimbursement being included in total wages and reported on the W-2. There is no reimbursement for the additional FICA and medicare deductions that must be withheld from the travel reimbursement.

(d) Income Tax Reimbursement Allowance (ITRA). Reimbursement for the additional income tax liability is a two-step process. The federal income tax liability will be reimbursed at the time the employee submits the initial travel voucher. The travel voucher will be grossed-up in the same manner that relocation vouchers are to cover the federal income tax liability. Compensation for the additional income tax liability must be claimed through submission of an SF-1012, Travel Voucher, in the calendar year following the year the expenses are reported as income on the W-2. (See MAOP, Part 2, 6-2.9.2.)

1. The following statement must be shown on each SF-1012, Travel voucher, for which an ITRA is claimed. "Purpose: To claim the Income Tax Reimbursement Allowance (ITRA) for tax year _____ in connection with my extended TDY assignment to City/State, for the period _____." The SF-1012, Travel

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Voucher, supported by copies of W-2s or 1099s for the employee and spouse, if applicable, should be forwarded to the Travel Advance and Payment Unit, Room 1270, for calculation of the ITRA payment.

2. The ITRA payment is taxable income and will be included in total wages in the calendar year that the payment is made.

6-1.3.1 Exceptions to Per Diem Entitlements

(1) Deleted

(2) PER DIEM AT FBI ACADEMY, QUANTICO, VIRGINIA - National Academy and New Agent Counselors shall not be authorized a per diem allowance while in attendance at the FBI Academy. Attendees that are housed outside the Academy facilities will be reimbursed the prescribed lodging rate established by the General Services Administration for TDY travel to Quantico, Virginia, provided lodging is not paid for by a Government Purchase Order. Attendees lodged at commercial facilities will be required to consume their meals at the Academy.

(3) FIREARMS INSTRUCTION, CONFERENCES, SEMINARS AND TRAINING - No per diem shall be authorized when an employee who is required to attend firearms instruction, conferences, seminars, etc., at a place other than his/her place of duty and returns to his/her residence on a daily basis (24-hour period).

(4) GEOGRAPHICAL RESTRICTIONS - A per diem allowance shall not be authorized for travel performed within a 50-mile radius of either the employee's residence or official duty station. Employees attending conferences or meetings within a 50-mile radius of either their duty station or residence are expected to return to their residence on a daily basis. Although exceptions to the 50-mile rule are rarely authorized, such requests will be reviewed and approved on a case-by-case basis by the Accounting Section, Finance Division.

(5) MEALS AT THE OFFICIAL DUTY STATION - Employees may not be paid a per diem allowance or furnished free meals at their official duty station, regardless of any unusual working conditions. Employees may be reimbursed for meals when the meal cost is included in the registration fee for attendance at conferences or training sessions. You are reminded that employees attending a Bureau sponsored or co-sponsored event shall NOT be assessed registration fees.

(a) The SAC or, in his/her absence, the Assistant Special Agent in Charge; the Legal Attache or, in his/her absence, the Assistant Legal Attache; and Section Chiefs and above at FBIHQ may be reimbursed for the cost of attending significant events such as retirements, anniversaries, transfers, and other similar events where the attendance of the FBI is appropriate and desirable honoring high- ranking federal, state, or local law enforcement officials and civic and community leaders who have made significant contributions to the FBI's overall mission. The cost of attending significant events sponsored by these same organizations that do not necessarily honor an individual also qualify for reimbursement. The cost will be limited to \$100 per event. Exceptions must be approved in advance by the Deputy Assistant Director, Finance Division. (See MAOP, Part 2, 6-1.)

(b) Members of the Special Detail Unit may be reimbursed for the cost of certain meal expenses incurred when providing security detail to the Attorney General, Director, and other designated officials (as determined and approved by the Director or his designee) within their official duty station. Special Agents performing similar duties when the Attorney General, Director, or other designated officials are visiting their duty station may also be reimbursed for necessary meal expenses incurred in performing security detail. All claims for reimbursement of meal expenses must be approved in accordance with the following guidelines.

1. Meal expenses should only be authorized for the number of employees required to ensure adequate protection of the Attorney General, Director, or other approved designated officials.

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2. All requests for reimbursement of meal expenses must be accompanied by a copy of the "Operative" order, an explanation as to the circumstances necessitating the meal purchase, the name of the individuals eating the meal, the total amount of the transaction, and the original receipt. Copies of receipts are unacceptable.

3. The request must contain the SAC's personal signature before reimbursement may be authorized. Initials will not suffice. This authority may not be redelegated.

4. The claims must be reasonable. Employees are expected to exercise prudence with making meal selections. The purchase of alcoholic beverages is prohibited. The gratuity will be limited to 15 percent.

5. The meal expense must occur at the same restaurant/cafe in which the Attorney General, Director, or other designated officials consumed their meal. Claims for reimbursement of meal expenses from carry-out or take-out restaurants may not be approved.

(6) **LODGING WITH FRIENDS AND RELATIVES** - When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the SF-1012, Travel Voucher, as supporting documentation. Such costs may include maid service, bed rental, or documentation of an increased cost in utilities. If the costs incurred are determined to be reasonable, they will be allowed as lodging expenses. **COSTS BASED ON ROOM RATES FOR COMPARABLE COMMERCIAL LODGING OR "TOKEN AMOUNTS" WILL NOT BE CONSIDERED REASONABLE BY THE BUREAU.** See MAOP, Part 2, 6-1.3.4, regarding the Travel Savings Awards Program and the payment of an incentive award to employees who achieve lodging savings for the Bureau. (See MAOP, Part 2, 6-1.3, 6-1.3.2, 6-2.4.3, and 6-2.6.3.)

6-1.3.2 Lodging Requirements (See MAOP, Part 2, 6-2(4) & 6-3.7(2).)

An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. When lodging is required, employees should make every effort to obtain accommodations that are within the maximum prescribed lodging rate for the TDY locality. The maximum prescribed lodging rate will be the extent of an employee's reimbursement for lodging expenses, unless the conference lodging allowance or reimbursement of lodging on an actual expense basis was approved (see MAOP, Part 2, 6-1.5). **EFFECTIVE DECEMBER 1, 1995, LODGING RECEIPTS ARE NO LONGER REQUIRED IN SUPPORT OF LODGING EXPENSES.**

If reimbursement of lodging is claimed under the flat rate reimbursement system, lodging receipts are not required. However, if the conference lodging allowance or actual lodging expenses have been authorized, the lodging claim must be supported by the original lodging receipt. (See MAOP, Part 2, 6-1(3) and 6-1.5.)

(1) All employees traveling on official business must use their MasterCard to pay for all travel expenses, i.e., airline tickets, lodging, rental cars, and other travel-related expenses to the extent the card is accepted. This will allow the government to maximize the amount of the "sponsor refund" from the MasterCard contract.

(2) Room reservations must be canceled as soon as travel plans change. Since cancellation times vary with establishment, cancellation must be made within the time frame dictated by the establishment. The individual calling to cancel the reservation must clearly identify himself or herself to the agent or clerk, obtaining the agent's name and a cancellation number. A written record of the cancellation number, date, and time of the call should be kept to ensure traveler is not subsequently billed for canceled reservation. A forfeited room deposit will only be reimbursed when the record clearly shows the employee exercised reasonable prudence in minimizing travel cost after the assignment was canceled.

(3) The Hotel and Motel Fire Safety Act of 1990 was designed to save lives and protect property by encouraging and eventually mandating that federal employees traveling on official business stay in accommodations that meet the requirements of the fire prevention and control guidelines. The law mandates

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that at least 90 percent of all overnight travel must be spent in hotels and motels meeting the fire safety guidelines.

(a) To assist employees in locating approved accommodations, a master list of properties in compliance with the Hotel and Motel Fire Safety Act have been installed on-line on the FBI Network. The hotel information as well as current per diem rates are available on-line on the FBI Network by selecting the Employee Self Query (ESQ) application from your FBINET Activity Table. Under the ESQ Menu, there is a Travel Information Main Menu, with options to access the hotel directory or the per diem and mileage rates. (See MAOP, Part 2, 6-1 (3)(d), 6-1.5.2, 6-2.4.3, and 6-2.5.3.)

(4) U.S. TAX EXEMPTION CERTIFICATE - An employee traveling on official business is liable for state/local taxes incurred in connection with room rental except where specific state or local statutes exempt room rentals to federal employees from tax. The number of locations that offer specific exemptions to individual federal employees for hotel taxes is quite small. The use of the government travel charge card MasterCard does not alter these rules, unless the local tax authority has specifically established an exemption for federal employees using this form of payment. The locations identified that have exempted federal employees on official government business from paying hotel/motel tax if a properly executed exemption certificate and satisfactory credentials (FBI credentials, government credit card, or copy of FD-540) are presented to the hotel/motel clerk at the time of registration are as follows: the cities of Concord, Long Beach, Los Angeles, Millbrae, Monterey County, Orange County, Oxnard, San Bruno, San Francisco, San Jose, Seaside, and Ventura, California; Oklahoma City and Tulsa, Oklahoma; Portland and Washington County, Oregon; and the states of Delaware, Florida, New York, Pennsylvania, Texas, Missouri, and New Hampshire. (See MAOP, Part 2, 6-1.2.3 (9).)

(a) The immunity from paying state and local lodging taxes only extends to direct contractual obligations created on the part of the government to rent rooms, such as through the utilization of a Government Purchase Order. Except as indicated above, the immunity does not extend to individual federal employees traveling on official business who are required to obtain lodging accommodations.

(5) LODGING PROVIDED BY GOVERNMENT - When lodging is provided free of charge by the government or paid for by a government purchase order, the employee SHALL NOT be reimbursed a lodging allowance. Reimbursement will be limited to the applicable M & IE allowance prescribed for the TDY locality

(6) LODGING WITH FRIENDS AND RELATIVES - When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the SF-1012, Travel Voucher, as supporting documentation. Such costs may include maid service, bed rental, or documentation of an increased cost in utilities. If the costs incurred are determined to be reasonable, they will be allowed as lodging expenses. COSTS BASED ON ROOM RATES FOR COMPARABLE COMMERCIAL LODGING OR "TOKEN AMOUNTS" WILL NOT BE CONSIDERED REASONABLE BY THE BUREAU. See MAOP, Part 2, 6-1.3.4, regarding the Travel Savings Awards Program and the payment of an incentive award to employees who achieve lodging savings for the Bureau. (See MAOP, Part 2, 6-1.3, 6-1.3.1, 6-2.4.3, and 6-2.6.3.)

(7) LODGING AT GOVERNMENT QUARTERS - If an employee stays in government quarters, his/her reimbursement will be limited to the fee or service charge for the use of such quarters. The flat rate SHALL NOT be authorized for lodging accommodations obtained at government quarters. However, employees may claim the difference between the service charge and the prescribed lodging rate for the TDY locality as a lodging savings under the Travel Savings Program. (See MAOP, Part 2, 6-1.3 (1)(a)3. and 6-1.3.4 (2)).

6-1.3.3 Prescribed Maximum Per Diem Rates for CONUS

NOTE: Per diem rates are available through the "Employee Self Query" function of the Bureau Personnel Management System (BPMS).

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6-1.3.4 Travel Savings Awards Program (See MAOP, Part 2, 6-1.1.3, 6-1.3.1, and 6-1.3.2.)

The Travel Savings Awards Program (TSAP) is a discretionary cash incentive awards program that rewards employees for achieving savings on official business travel. The TSAP is a two-part program which rewards employees for establishing frequent flyer accounts and using the credits to obtain free coach class airline tickets for future official business travel, and for obtaining lodging accommodations for less than the prescribed lodging rate. Employees who save the government money, either through the redemption of frequent flyer credits or staying with friends or relatives while performing official government travel, are eligible to receive a cash award equal to 50 percent of the travel savings, not to exceed \$2,000 per year.

(1) FREQUENT FLYER SAVINGS. Under this program, employees who obtain or assist in obtaining a free coach class airline ticket for official government travel through the redemption of frequent flyer credits are eligible to receive a cash award equal to 50 percent of the travel savings. The amount of the travel savings is based on the city-pair contract fare at the time of travel. If there is no contract fare, the lowest available unrestricted coach fare will be used as the basis for granting the award. Employees may not select specific airlines with respect to performing official government travel for the purpose of enhancing the award amount. To do so would be in violation of the financial conflict of interest provisions of Title 18, USC, Section 208. The employee's selection of airlines to perform official business travel must be in accordance with the Federal Travel Regulations and the government airlines contract provisions which have awarded specific routes to individual airlines.

(a) Deleted

(b) When frequent flyer credits are redeemed for a free coach class ticket, a statement to that effect should be indicated on the SF-1012, Travel Voucher, claiming reimbursement for other travel-related expenses in connection with that trip.

(2) LODGING SAVINGS. While lodging costs incurred when staying with friends or relatives are not reimbursable as a per diem allowance, the employee is eligible to receive a cash award equal to 50 percent of the savings under the TSAP. Employees who voluntarily obtain lodging accommodations in government quarters are also eligible to receive a cash award equal to 50 percent of the lodging savings, less the cost of any fee or service charge for the quarters. The TSAP does not extend to lodging accommodations obtained incidental to a permanent change of station, i.e., homefinding, temporary quarters. The program is also not applicable in those instances where lodging has been prearranged by the government, including prearranged use of government quarters or where the employee is commuting to and from the TDY location from a secondary residence. (See MAOP, Part 2, 6-1.3 (1)(a)3. and 6-1.3.2 (7).)

(a) When lodging is provided by friends or relatives or voluntarily obtained in government quarters, a statement to that effect should be indicated on the SF-1012, Travel Voucher, claiming reimbursement for other travel-related expenses in connection with that trip.

(3) Participation in the TSAP is discretionary. However, those employees electing to participate in the program must complete an FD-867, Travel Savings Form, whenever frequent flyer credits are redeemed for a free coach class airline ticket or lodging savings is obtained. The completed FD-867 must be signed by the employee and his/her approving official. Upon completion of the trip, the original FD-867(s), together with a copy of the passenger receipt or boarding pass for frequent flyer savings or copy of travel voucher for lodging savings, should be forwarded to the Travel Advance and Payment Unit, Room 1270, for processing and issuance of the cash award.

(4) LIMITATION. The maximum annual amount that may be authorized under the TSAP is \$2,000. This includes frequent flyer as well as lodging savings. As with any cash award, these awards are subject to the applicable income tax withholdings and will be included on the employee Wage and Tax Statement (W-2) for the applicable calendar year.

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6-1.4 Deleted

6-1.5 Reimbursement of Actual Lodging Expenses (See MAOP, Part II, 6-1.3 and 6-1.3.2.)

With the implementation of a flat rate reimbursement system, request for reimbursement of lodging on an actual expense basis will be administered in accordance with the spirit and intent of the law. Reimbursement of lodging on an actual expense basis will only be approved in those circumstances where the lodging costs are unusually high due to special or unusual circumstances. For the most part, requests for actual lodging expense reimbursement which involve routine travel or that of a small dollar amount shall not be approved. Because of the employee's ability to control the cost of meals and incidental expenses, the M & IE rate will generally be limited to the prescribed rate for the TDY locality. All claims wherein lodging has been approved on an actual expense basis must be supported by the original lodging receipt and a copy of the written communication approving such reimbursement. If the lodging receipt is not furnished in support of the claim, the employee shall be reimbursed the prescribed lodging rate for the TDY locality under the flat rate reimbursement system.

6-1.5.1 Conditions Warranting Authorization of Actual Expenses

Travel on an actual lodging expense basis may be authorized for travel assignments within and outside of CONUS when the applicable maximum rate is insufficient due to special or unusual circumstances. The maximum per diem rate, although generally adequate, may be insufficient because of special duties or because lodging costs have escalated temporarily during special events. Examples of situations that may warrant approval of travel on an actual and necessary lodging expense basis are set forth, but are not limited to the following:

- (1) The employee attends a meeting, conference or training session away from the official duty station where lodging and meals are prearranged (such as the hotel where the meeting, conference or training session is being held) and the lodging costs incurred, because of these prearranged accommodations, absorb all or practically all of the applicable maximum per diem allowance. (See MAOP, Part 2, 6-1 (3)(b) and 6-1.3 (3).)
- (2) Travel is in an area where lodging costs have escalated for short periods of time during special functions or events, such as missile launching periods, international or national sporting events, world's fair, conventions or natural disasters.
- (3) Based on situations described above affordable lodging cannot be obtained within a reasonable commuting distance of the temporary duty assignment and transportation cost of commuting to and from the less expensive lodging facility would consume most or all of the savings achieved.
- (4) The employee because of special duties is required to incur unusually high expenses in the conduct of official business, such as to procure superior or extraordinary accommodations including suites or other such quarters.
- (5) The employee incurs unusually high expenses incident to his/her assignment to accompany another employee in a situation as described in (4) above.
- (6) In some instances, even though lodging and/or meals are provided by the agency, an employee may be required to incur unanticipated costs for occasional lodging and/or meals. Under these circumstances reimbursement of appropriate expenses, determined to be necessary and justified by the circumstances involved, may be approved.

6-1.5.2 Authorization and Approval

All requests for reimbursement of actual lodging expenses must be submitted in writing to the Special Agent in Charge (SAC) or the Legal Attache, and in his/her absence to the Assistant SAC or Assistant Legal Attache, and at FBIHQ, to the Section Chief or above, setting forth the circumstances necessitating reimbursement of lodging on an actual expense basis. Each request must include the name and address of three establishments that were contacted to obtain lodging accommodations and the results of those contacts. After the request has been reviewed and approved by the division head, it should be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit, Room 1270, for subsequent review and approval. The approving official at FBIHQ will indicate "approved" or "denied" on the request and return the request to the division head for proper disposition. If the request was approved, a copy of the communication must be attached to the SF-1012, Travel Voucher, claiming reimbursement for the travel. NOTE: If the communication approving actual expense reimbursement or the lodging receipt is not attached to the travel voucher, the employee's reimbursement shall be limited to the prescribed lodging rate for the TDY locality. Requests for actual lodging expense reimbursement MUST include:

- (1) What special or unusual circumstances, other than the fact of normal travel, exist at the location of the temporary duty assignment. Approval may be granted for an employee to use the actual expense reimbursement method after the completion of the assignment. However, insufficient or inappropriate justification to approve the request will result in the additional expense being borne by the employee. Therefore, it is incumbent that employees exercise the same care in incurring expenses on official business that a reasonable and prudent person would exercise if traveling on personal business and expending personal funds.
- (2) Reason(s), other than mere convenience, that the traveler must stay at the requested hotel.
- (3) Whether the accommodations meet the requirements of the Hotel and Motel Fire Safety Act (HMFSA). (See MAOP, Part 2, 6-1.3.2(3)(a).) If the accommodations are not in compliance with the HMFSA, complete justification must be furnished as to the circumstances requiring the employee to stay at the requested hotel.
- (4) Advantages to the government in allowing the traveler to stay at the requested location.
- (5) Address of the temporary work site and its proximity to the requested accommodations.
- (6) The rate, excluding taxes, for the requested accommodations.

6-1.5.3 Limitations Within CONUS

The maximum amount that may be authorized for lodging for travel within CONUS shall not exceed 150 percent of the applicable lodging amount (rounded to the next highest dollar) as prescribed in appendix A of the FTRs. This is the maximum amount by law and under no circumstances may an employee be reimbursed a lodging amount in excess of the 150 percent rate. For example, if actual lodging expense reimbursement was approved for travel to Washington, D.C., the designated authorizing official could approve a lodging rate of up to \$227 per night (\$151 X 150%). Because of the employee's ability to control the cost of meals and incidental expenses, the M & IE is limited to the rate prescribed for the TDY location of \$51 per day. Therefore, the maximum an employee could be reimbursed for his/her travel to Washington, D.C. is \$278 per day, (\$227 for lodging and \$51 for M & IE, prorated accordingly).

6-1.5.4 Limitations Outside CONUS

When reimbursement of actual lodging expenses is approved for travel to nonforeign and foreign areas, the maximum lodging amount shall not exceed the amounts prescribed by the Departments of Defense and State, of either 150 percent of the applicable per diem rate (rounded to the next highest dollar) or \$50 plus the per diem rate, whichever is greater. For example, if the lodging rate for the locality is \$125 -- 150% of the rate would be \$188 (\$125 X 150%), whereas \$125 plus \$50 only equals \$175, therefore, the greater amount

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of \$188 could be allowed for lodging. Again, because of the employee's ability to control the cost of meals and incidental expenses, the claim for M & IE is limited to the rate prescribed for the temporary duty location.

(1) Deleted

(2) Deleted

6-1.5.5 Deleted

6-1.6 Payment of Subsistence and Transportation Expenses For Threatened Employees (See MIOG, Part 1, 89-2.12.)

Payment of subsistence and certain transportation expenses may be authorized for threatened individuals, including family members, whose lives are placed in jeopardy as a result of the employee's assigned duties and are moved to temporary living accommodations at or away from the official duty station within or outside CONUS as a protective measure. Generally a maximum of 120 days is allowed, after which, if the threat has not abated, permanent relocation should be considered. All expenses must be paid covertly by the field office to which the employee is currently assigned.

6-1.6.1 Eligible Individuals

Employees detailed into an investigative or similar capacity are eligible for this allowance. Members of employees' immediate families are also eligible. When a situation occurs that appears to be life-threatening, the first responsibility of the Bureau is to take any appropriate action necessary to protect the eligible individual(s).

6-1.6.2 Conditions and Limitations

Subsistence payments may begin as soon as the Bureau assesses the degree and seriousness of the threat. Subsistence payments may be allowed for the period even if the Bureau ultimately determines that the threat is not serious and the threatened individual had been directed to move immediately into temporary accommodations while the degree of seriousness was being assessed. Normally subsistence payments for a maximum of 60 days is allowed, after which, if the threat has not abated, consideration will be given to whether permanent relocation of the employee and/or family member would be advantageous. At 30-day intervals, a reevaluation of the temporary relocation situation must be made to decide whether any further extension of the time period is appropriate. If the duration of the threat is expected to exceed 120 days, contact should be made with the Transfer Unit for consideration of the appropriateness of a permanent transfer.

6-1.6.3 Allowable Subsistence Payments

Payments under the above circumstances are intended to cover expenses that are incurred and necessary, and in direct support of the effort to remove the employee and/or family member from the existing threat. All expenses must be supported by original receipts and/or expense certifications. Subsistence payments under this part generally will be limited to the cost of lodging. For lodging costs incurred after January 1, 1999, for travel within the United States, the room taxes are reimbursable as a miscellaneous expense (see MAOP, Part 2, 6-1.2.3 (9)). Costs of food, laundry and cleaning of clothing are expenses incurred in day-to-day living. Such expenses should be considered the responsibility of the employee and normally will not be reimbursed. However, if temporary living accommodations do not contain cooking and/or laundry facilities or other extenuating circumstances are present, certain expenses may be allowed to the extent determined appropriate.

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(1) Approval may be authorized for the actual amount of allowable expenses incurred in each 30-day period up to a maximum amount based on the daily limitations multiplied by 30 (or the actual number of days if fewer than 30).

(2) DAILY LIMITATIONS - The maximum amount of subsistence payments for each 30-day period (or fraction thereof) will be based on limitations as set forth below. If subsistence payments are authorized for lodging cost only, the daily limitation shall be reduced appropriately. The daily limitation shall be the amount prescribed for the location of the temporary living accommodations. For example, if a threatened employee and his/her immediate family are only authorized subsistence for lodging in Washington, D. C., then the maximum daily reimbursement limitations are described as set forth below: (See MAOP, Part 2, 6-2.5.3 & 6-2.6.4.)

MAXIMUM DAILY REIMBURSEMENT LIMITATIONS (EXAMPLE)

Employee or spouse unaccompanied by employee \$151.00

Accompanying spouse (3/4 or .75 of employee's daily rate) \$113.25

Each family member 12 years or older (3/4 or .75 of employee/unaccompanied spouse rate) \$113.25

Each family member under 12 years of age (1/2 or .50 of employee/unaccompanied spouse rate) \$75.50

The actual expenses will be compared to the maximum allowable for that period and the employee will be reimbursed the lesser amount.

6-1.6.4 Itemization and Receipts

The actual expenses shall be itemized in a manner which will permit a review of the amounts spent daily for (1) lodging, (2) meals and (3) other allowable items if authorized. Original receipts shall be required for lodging and any individual meal claim or expense in excess of \$75.

6-1.6.5 Transportation

Payment of transportation expenses when a situation requires the employee and/or members of the immediate family to be temporarily relocated to a place away from the employee's official duty station may be authorized. Transportation shall be in accordance with regulations prescribed in Chapter 301 of the FTRs.

6-1.6.6 Authorization

Due to the unique nature of these situations, all confidential vouchers should be accompanied by an SAC-approved EC setting forth the justification, the procedures initiated to assess the threat, and the projected duration of the temporary protection arrangement. To ensure proper review of the claims and make a decision as to how long such payments should continue based on the specific nature and potential duration of the life-threatening situation and the alternate costs of a change of an official duty station, these confidential vouchers must be submitted to the Confidential Services Unit, Accounting Section, Finance Division, Room 1394, FBIHQ, for review and approval by the Assistant Director of the Finance Division.

6-1.6.7 Vouchering

See MAOP, Part 2, 6-1.6.6.

6-1.6.8 Administrative Leave

Administrative leave may be authorized in (up to) 30-day increments. Contact must be made by the SAC with the Bureau Leave Office, Personnel Assistance Section, Administrative Services Division.

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6-1.6.9 Annual Expenditure Report

FBIHQ is responsible for preparing an annual expenditure report to the Office of the Comptroller, Justice Management Division, regarding expenses paid for threatened employees (in accordance with DOJ Supplement to FTR 301-14.9). All names of threatened employees and/or family members, as well as the city and state(s) where the incident(s) occurred, will be omitted from this report.

6-1.7 Standards of Conduct Concerning Reimbursement for Travel and Subsistence Expenses from Sources Other Than the Federal Government and Spousal Travel Reimbursement

Since Bureau policy is to reimburse employees for generally all official travel and related expenses from FBI appropriated funds, only in limited situations will an employee be authorized to accept travel reimbursement from a nonfederal source. Under NO circumstances shall an employee engage in any travel that will be paid for by a nonfederal source without prior FBIHQ approval. REQUESTS WILL NOT BE CONSIDERED AFTER THE FACT.

(1) Although implementing regulations (Title 31, USC, Section 1353) permit the FBI to accept travel reimbursement for an employee's accompanying spouse when the spouse's presence at the event is determined to be in the interest of the agency, the Department of Justice has determined, as a matter of policy, that such reimbursement WILL NOT be accepted. Therefore, no requests will be considered for the acceptance of travel reimbursement from a nonfederal source for spousal travel.

6-1.7.1 Eligible Individuals

Under limited circumstances, an employee may be authorized to accept payment from nonfederal sources for certain travel and related expenses associated with his/her attendance at a conference, speaking engagement, or symposium where he/she will be a featured speaker or participant. The nature of the event must relate to the employee's duties. Reimbursement may not be accepted for travel to carry out the agency's statutory and regulatory functions, such as investigations, inspections, audits, site visits, training, etc.

6-1.7.2 Conditions and Limitations

- (1) Employees may not solicit travel reimbursement from nonfederal sources.
- (2) If the circumstances appear that the nonfederal source's intent is to influence the employee or agency in future endeavors or to reward the employee for his/her past performance, the offer must be declined.
- (3) Travel reimbursement may not be accepted from conflicting nonfederal sources. A conflicting source is any person who, or entity other than the U.S. government which, has an interest that may be substantially affected by the performance or nonperformance of the employee's duties.

6-1.7.3 Authorization (See MAOP, Part 1, 1-13.3 and 1-14.)

(1) Due to the sensitive nature of this subject, under no circumstances shall an employee engage in any travel that will be paid for by a nonfederal source without prior FBIHQ approval. All requests must be submitted in writing to the division head for review and approval prior to forwarding the request to FBIHQ for subsequent review and approvals. To ensure compliance with these regulations, the FD-934 form is available as a macro in WordPerfect to assist employees requesting the acceptance of travel reimbursement from a nonfederal source and to satisfy the semiannual reporting requirement with the Office of Government Ethics (OGE). The division head shall review the circumstances surrounding the offer and make a determination as to:

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- (a) The importance of the travel to the agency;
 - (b) Whether the request is in advance of the actual travel;
 - (c) The request is for attendance at a conference, speaking engagement, or symposium where the employee will be a featured speaker or participant;
 - (d) Whether the nature of the event "relates" to the employee's duties;
 - (e) Whether payment is from a nonfederal source (any person or entity other than the U.S. government, to include any individual, private or commercial entity, nonprofit organizations or associations, and state, local, or foreign government that is not a conflicting source);
 - (f) Whether the travel would cause a reasonable person with knowledge of all the relevant facts to question the integrity of the FBI's program or operation; and
 - (g) Whether the employee has worked on any matter in the last six months that would affect the interest of the organization paying the expenses.
- (2) After the request has been reviewed and approved by the division head, it should be forwarded to FBIHQ, Attention: Accounting Section, Finance Division, Room 6037, for subsequent review and approval by the Finance Division and a conflict-of-interest analysis by the Deputy Designated Agency Ethics Official. After the request has been approved by the appropriate FBIHQ officials, it will be returned to the division for proper disposition.
- (a) Immediately following completion of the trip, the requester must provide the actual amounts of the benefits provided. This information should be forwarded to FBIHQ, Attention: Accounting Section, Room 6037, to facilitate the reporting to the OGE.
 - (b) A copy of the approved FD-934 should also be attached to the SF-1012, Travel Voucher, claiming reimbursement for other travel-related expenses associated with the travel.

6-1.7.4 Payment Guidelines (See MAOP, Part 1, 1-13.3 and 1-14.)

Once the request has been approved, the employee is authorized to accept the reimbursement on behalf of the FBI. Because such reimbursement is accepted on behalf of the FBI, the employee is not required to report the payment as a gift on any confidential or public financial disclosure report. (1) All accommodations and benefits offered to the employee must be comparable to those offered to or purchased by other attendees.

- (a) First class transportation accommodations may only be accepted in accordance with FBI policy AND only if provided to all other attendees.

(2) Payment for travel must be accomplished as follows:

- (a) Payment in Kind - This is the preferred method of payment. Under this method of payment, the nonfederal source provides the traveler with an airline ticket for his/her transportation, pays the hotel directly for lodging expenses, and if applicable pays/waives the cost of the conference or registration fee.

1. Although the benefits are provided in kind, the employee must ascertain the actual cost of each benefit provided. Should the registration or conference fee be waived, the value of the service must also be furnished.

2. Reimbursement for meals and incidental expenses, including other allowable expenses should be claimed on an SF-1012, Travel Voucher, and submitted for reimbursement through the Draft System. A copy of the FD-934 approving the acceptance of travel reimbursement from a nonfederal source must be attached to the SF-1012.

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(b) Payments other than in kind - Under this method, the initial travel must be funded from the field office/division travel budget. Upon completion of the travel the nonfederal source reimburses the FBI by check or similar instrument for the cost of the employee's transportation, lodging, meals and/or registration fee. Upon receipt of the reimbursement check at FBIHQ, your account will be credited for the travel expenses. Each field office/division will be responsible for any necessary follow-up action to ensure proper compensation for the travel.

6-1.8 Temporary Duty at Location of New Duty Station Subsequent to Notification of a Permanent Change of Station

Generally, if an employee has received a definite notice of a permanent change of station prior to reporting for duty at the new duty station, he/she is not entitled to per diem after they arrive at the new duty post. Only in very rare instances will authority be granted to allow travel to the location of the designated new duty station as a temporary duty assignment subsequent to notification of a permanent change of station. Travel requests should be forwarded to the Assistant Director, Finance Division, Attention: Section Chief, Accounting Section, for review PRIOR to the anticipated travel date containing the following information: 1) nature of the assignment; 2) duties requested to perform; 3) duration of the assignment; and 4) anticipated date of return to the old duty station to perform "substantial duty." Requests will not be considered after the fact.

6-1.9 Fees and Expenses of Government Employee Witnesses

In most instances, the travel of a government employee witness will be reimbursed from appropriated funds. The following information should assist you in determining the proper source of funding for such travel expenses. If an employee is summoned to testify regarding facts and information he/she acquires in the course of his or her assigned duties, or where the proceeding is predicated upon a law the FBI is required to administer, the travel expenses are charged to appropriated funds. If the case does not involve the activity of the FBI, the employee shall be reimbursed for his/her travel expenses from appropriated funds, and reimbursement will be sought from the Department of Justice appropriation for Fees and Expenses of Witnesses.

(1) An employee summoned to testify or produce official records on behalf of a party other than the United States is also entitled to reimbursement of travel expenses, except to the extent reimbursed by the court, authority, or party which caused the employee to be summoned. In this particular situation, the employee shall be reimbursed from appropriated funds for the additional travel expenses that were not paid by the party that caused him or her to be summoned. Reimbursement for the additional travel expenses will be sought from the Department of Justice appropriation for Fees and Expenses of Witnesses.

(2) Any requests for reimbursement of travel expenses from the Department of Justice appropriation for Fees and Expenses of Witnesses should be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit, Accounting Section, Room 1270. The request must be supported by a written explanation as to the circumstances necessitating the travel, and a copy of the travel voucher for which reimbursement of travel expenses is requested.

6-1.10 Emergency Travel

(1) When an employee is incapacitated by illness or injury or informed of an emergency situation which necessitates discontinuance or interruption of the temporary duty assignment, the employee may be authorized travel and transportation expenses to return to his/her official duty station or other approved location, based on the exigencies of the personal situation. The Travel Advance and Payment Unit (TAPU), Accounting Section (AS), Finance Division (FD), must be immediately notified of any situation necessitating emergency travel. In the event the employee or his/her approving official is unable to contact the TAPU, the

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approving official should notify the AS at (202) 324-3440. Situations that may necessitate emergency travel include, but are not limited to the following:

(a) Incapacitating illness or injury (not due to the employee's misconduct) that renders the employee incapable of continuing the travel assignment. The illness or injury may occur while at or en route to or from the temporary duty location.

1. An employee who interrupts the temporary duty assignment because of an incapacitating illness or injury and takes leave of any kind will continue to be reimbursed the applicable per diem allowance (for expenses incurred) for the temporary duty locality. The per diem allowance may be authorized for a reasonable period of time (generally 14 days) while the employee is being treated for the illness or injury at the temporary duty location.

2. Per diem shall not be authorized while an employee is confined to a medical facility within the proximity of his/her official duty station or if the employee is reimbursed for the hospitalization under any federal statute, including hospitalization in a Department of Veterans Affairs Medical Center or military hospital. If the hospitalization (at the temporary duty location) is paid for under the Federal Employees Health Benefits Program (Title 5, USC, Sections 8901-8913), the employee would be eligible for reimbursement of a per diem allowance.

(b) Serious illness, injury, or death of a family member. Serious illness or injury means a grave, critical, or potentially life-threatening illness or injury (i.e., automobile accident or other accident where the extent of the injury cannot be immediately determined but is thought to be critical based on the best assessment of the situation); or other less serious illness or injury of a family member in which the employee's absence would result in great personal hardship for the immediate family.

1. Family members are those individuals defined in Chapter 302-1.4(f) of the Federal Travel Regulations. This definition may be expanded on a case-by-case basis to include other family members, dependent upon the extent of the emergency and the employee's relationship to the individual involved in the emergency situation. Requests to expand the definition of a family member must be reviewed and approved by the TAPU, AS, FD.

(c) Catastrophic occurrence or impending disaster, such as fire, flood, or act of God (tornado, hurricane, earthquake or other natural catastrophe) which directly affects the employee's home.

6-1.11 Death-Related Expenses

(1) When an employee dies while in a travel status or while permanently assigned outside the Continental United States (CONUS), reimbursement may be authorized for the cost of transporting the remains of the employee to his/her place of actual residence, official duty station, or place of interment. Travel expenses for up to two individuals may be authorized to escort the remains of an employee, who died while in a travel status in the U.S. or assigned duty outside the U.S., back to the deceased's home or official duty station. Division heads should select the individuals (employee and/or family members) to perform this travel. The travel expenses that will be reimbursed are limited to those expenses what would be reimbursed in connection with official travel. All claims will be reimbursed on an actual cost basis, supported by the original receipt. If an employee dies of injuries sustained while performing official duty, death related expenses are payable under the Federal Employees' Compensation Act, Title 5, USC, Section 8134. For further information contact the Department of Labor, Federal Employees' Compensation Division, 200 Constitution Avenue, NW, Washington, D.C. 20210. (See MAOP, Part 1, Section 15.)

(2) For employees stationed outside CONUS, payment may also be authorized to transport the remains of an immediate family member (as defined in paragraph 302-1.4(f) of the Federal Travel Regulations) back to the employee's place of actual residence. Transportation expenses may also be authorized if the family member dies en route to the official duty station outside of CONUS.

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(a) The remains may be transported to an alternate destination; however, reimbursement for such expenses is limited to the constructive cost of transporting the remains to the actual residence. Burial expenses are not reimbursable.

(3) Allowable costs for the preparation and transportation of an employee's remains include, but are not limited to:

(a) Preparation of remains (necessary expenses to comply with local laws and laws at the port of entry in the United States).

(b) Cost of embalming or cremation.

(c) Necessary clothing.

(d) Casket or container suitable for shipment to place of burial.

(e) Transportation of remains by common carrier, including ferry fare, bridge tolls, and similar charges.

1. Removal to and from the common carrier.

2. Movement from place of death to a mortuary and/or cemetery.

(f) Shipping permits.

(g) Outside case for shipment and sealing of the case if necessary.

(4) The cost of return transportation of the immediate family and the baggage and household goods of the decedent and his/her immediate family shall be authorized when an employee dies while stationed outside CONUS, or while in transit to or from that place.

(a) Allowable transportation costs shall not exceed the costs of returning the immediate family and the baggage and household goods to the employee's place of actual residence. Transportation to an alternate location may be approved; however, reimbursement shall not exceed the constructive cost of transportation to the decedent's place of actual residence. Request for travel and transportation to an alternate destination must be approved by the AS, FD.

1. Travel of the immediate family and shipment of household goods must begin within one year from the date of the employee's death. A one-year extension may be granted, if requested, by the family prior to the expiration of the one-year limit. The request must be approved by the AS, FD.

(b) Relocation Allowances - If the employee dies while in transit or soon after reporting to the new duty station, payment of applicable relocation expenses will continue for the employee's immediate family, provided the family members were included on the employee's travel orders. The family members will be reimbursed the same relocation expenses that the employee would have been eligible to receive.

6-1.12 Tour Renewal Agreement Travel (See Legal Attache Manual, Part 1, 4-4.2.)

Tour renewal travel may be authorized to employees who have satisfactorily completed an agreed-upon period of service outside the Continental United States (O'CONUS) and have signed a new service agreement to serve another tour of duty of not less than 12 months upon their return from the United States for the purpose of taking leave between the tours. Tour renewal agreement travel cannot be authorized until all conditions have been met. Service in excess of that required under an earlier agreement cannot be applied to reduce the period of time required to be served in connection with the new service agreement. The time period for the new service agreement does not begin until the employee returns to the O'CONUS assignment.

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(1) Except for assignment to Alaska or Hawaii, tour renewal agreement travel may be authorized after completion of each service agreement, provided the employee has signed a new service agreement to return to the O'CONUS assignment for another tour of duty.

For assignments to Alaska or Hawaii (mainland). Tour renewal agreement travel is limited to two round trips beginning within five years of the date the employee reported to the office of assignment. Employees who were serving in a tour of duty to Alaska or Hawaii on September 8, 1982, and have continued to do, are eligible for tour renewal agreement travel after completion of each new service agreement.

(2) Employees and dependents are eligible for travel and transportation expenses to their actual place of residence in the U.S. when transferred to the O'CONUS assignment. Reimbursement of travel expenses will only be authorized to one destination in the U.S.

(a) Employees may travel to an alternate location in the U.S.; however, the employee's reimbursement for such travel will be limited to what the government would have paid for travel and transportation from the employee's office of assignment to his/her actual place of residence.

(b) Tour renewal agreement travel may not be authorized for travel to an overseas location (foreign travel), unless the employee's actual place of residence is located within that country.

(c) Reimbursement of applicable travel and transportation expenses will be in accordance with the Federal Travel Regulations.

(3) Except for assignments to Alaska and Hawaii, the travel time allowed in connection with tour renewal agreement travel includes the time necessary to travel from the office of assignment to the employee's actual place of residence on the day of departure and from the employee's actual place of residence to the office of assignment on the day of return. Travel time is limited to the time required for travel by common carrier using the most direct route. Employees assigned to Alaska and Hawaii are not entitled to any travel time. The employee would be in a leave status from the time he/she departed the office of assignment until the time he/she returned.

(a) Reimbursement of a per diem allowance can only be authorized for the employee, provided travel time is in excess of 12 hours. Employees assigned to Alaska and Hawaii are not entitled to a per diem payment, regardless of travel time.

(4) Violation of new service agreement. If the employee fails to complete the agreed-upon period of service in connection with the new service agreement for reasons unacceptable to the agency, the employee will be required to reimburse the government for all transportation and per diem paid in connection with tour renewal agreement travel.

6-2 RELOCATION ALLOWANCES AND BENEFITS (See Legal Attache Manual, Section 5-4.)

(1) Pursuant to the provisions of Public Law 89-516, the Federal Travel Regulations (FTRs), and FBI policy, a summary of the allowances and benefits provided when an employee has been officially transferred follows. These regulations do not provide for total reimbursement, but substantially all or part of the expenses a prudent person might expect to incur. Therefore, employees should exercise extreme care when incurring such expenses. FOR COMPLETE INFORMATION CONCERNING THESE ALLOWANCES AND BENEFITS, SEE THE FTRS. Supplementals to the FTRs and decisions handed down by the Comptroller General can affect the disposition of any allowance or benefit set forth in this manual. For assistance in claiming reimbursement for relocation expenses, refer to the "Employee Transfer Voucher Preparation Guide."

(2) WRITTEN AGREEMENT - No allowance shall be paid to or on behalf of an employee or employee's family in connection with the transfer until the employee signs a written agreement, a 3-34B, to remain in the service of the government for one year following the effective date of the transfer. The effective date of a

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transfer is the date the employee reports for duty at the new official station. The employee shall be held to the dollar limitations for relocation expenses in effect at the time he/she effects his/her transfer. If the agreement is violated for personal reasons within the control of the employee, all expenses paid to the employee or on the employee's behalf are to be refunded to the government.

(3) **AUTHORIZATION/APPROVING OFFICIAL** - All vouchers submitted incidental to a change of an official duty station must be signed by an approving official. The authority for approving transfer-related vouchers has been established as follows:

(a) In a field division, the approving official is the SAC or the ASAC; and at FBIHQ, a Unit Chief or above.

(4) **DOCUMENTATION** - ALL lodging claims must be supported by an original receipt from the establishment. Expenses for lodging claims which are not documented with an original receipt will be suspended and returned to the employee. It is the responsibility of the employee to obtain and submit original lodging receipts. Lost or stolen receipts must be replaced by the employee with duplicate original receipts obtained from the lodging establishment. Reproduction of receipts is not acceptable. Original receipts for cash expenditures in excess of \$75 are required and must be attached along with the original lodging receipts to the original travel voucher (SF-1012). Original receipts for all laundry, dry cleaning, car rental, airfare, etc., must be furnished regardless of the dollar amount. For a complete list of the expenses for which a receipt is required, regardless of the amount, refer to paragraph 301-11.3(c) of the FTRs. (NOTE: A certification is acceptable for reasonable amounts expended for coin-operated laundry.)

Blank receipt forms containing handwritten information regarding money expended for items such as rent, lodging, and/or services are not considered sufficient documentation unless the name and address of the establishment are stamped on the face of the receipt. Every effort should be made to obtain preprinted receipts stamped with the establishment's name, address, and logo. (See MAOP, Part 2, 6-1.3.2 & 6-3.7(2).)

(5) **ELIGIBILITY/ENTITLEMENTS** - According to eligibility and situation the following is a brief synopsis listing the available entitlements for a transferred employee subject to conditions established by the Bureau for employment or transfer: (NOTE: A detailed description of these entitlements can be located in the appropriate section of MAOP or the FTRs.)

(a) **Employee's Entitlements With a Cost Transfer WITHIN THE UNITED STATES, INCLUDING ALASKA, HAWAII, AND THE DISTRICT OF COLUMBIA**

(b) **NEW EMPLOYEES - PRIOR GOVERNMENT SERVICE WITHOUT A BREAK IN SERVICE - TRANSFERRED WITHIN THE UNITED STATES**

1. Homefinding Trip - for employee and spouse
2. Travel to New Duty Station - mileage and per diem for employee and family
3. Temporary Quarters
4. Miscellaneous Expense Allowance
5. Real Estate - sale and purchase
6. Relocation Income Tax (RIT) Allowance
7. Shipment and Storage of Household Goods
8. Shipment of privately owned vehicles (POVs) (based upon cost comparison), if authorized (See 6-2.2.5.)
9. Property Management Services

(NOTE: Employees of uniformed military services do not qualify for these entitlements. See Item (c), NEW AGENT PERSONNEL, for their entitlements.) (See MAOP, Part 2, 6-2.1.1(2).)

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(c) NEW AGENT PERSONNEL - NO GOVERNMENT SERVICE/HAS BREAK IN SERVICE - ENTITLEMENTS ON TRANSFER

1. Travel to New Duty Station - mileage and per diem for Agent
2. Travel to New Duty Station - mileage for family
3. Shipment and Storage of Household Goods
4. Shipment of POVs (based upon cost comparison), if authorized (See 6-2.2.5.)

NOTE: Upon effecting transfer to second office of assignment, the employee will be entitled to all benefits as any other employee with a cost transfer.

(d) EMPLOYEE'S ENTITLEMENTS WITH A COST TRANSFER TO SAN JUAN AND RESIDENT AGENCIES OUTSIDE THE STATE OF HAWAII, I.E., AGANA, GUAM, SAIPAN, AND NORTHERN MARIANA

1. Travel to New Duty Station - per diem, mileage and/or airfare for employee and family
2. Temporary Quarters
3. Miscellaneous Expense Allowance
4. Real Estate - sale and purchase
5. Shipment and Storage of Household Goods
6. Nontemporary Storage
7. Shipment of one POV, if authorized (See 6-2.2.5.)
8. RIT Allowance
9. Homefinding trip for employee and spouse
10. Property Management Services

(e) EMPLOYEE'S ENTITLEMENTS WHEN TRANSFERRED FROM THE U.S. TO LEGATS

1. Travel to New Duty Station - employee and family
2. Predeparture Subsistence Expense - up to 10 days in U.S. prior to leaving for Legat
3. Temporary Quarters Subsistence Allowance - after the employee's and/or family members' arrival at the post of duty until government-leased quarters are occupied
4. Miscellaneous Expense Allowance
5. Shipment and Storage of Household Goods
6. Nontemporary Storage
7. One POV can be shipped, if authorized (See 6-2.2.5.)
8. RIT Allowance
9. Property Management Services (See 6-2.13.)

(f) EMPLOYEE'S ENTITLEMENTS WHEN TRANSFERRED FROM LEGATS TO THE U.S.

1. Travel to New Duty Station - employee and family
2. Temporary Quarters

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3. Temporary Quarters Subsistence Allowance - up to 30 days at the foreign post and 30 days' supplemental post allowance if needed.

4. Miscellaneous Expense Allowance

5. Real Estate - An employee is generally required to serve at least one tour of duty in a foreign area and retain a residence in a nonforeign area with the expectation of returning to his/her former duty station in the nonforeign area. However, there are occasions when an employee completes a tour of duty in a foreign area and he/she is subsequently transferred to a different duty station than the one from which he/she was transferred when assigned to the foreign post. When this type of transfer is authorized, allowable real estate expenses (sale and/or purchase) are reimbursed to the employee. This allowance is only applicable to returning employees who reported to a different duty station within the U.S. on or after February 19, 1988. Reimbursement will only be allowed under the following conditions:

a. The sale of the residence (or the settlement of an unexpired lease) occurs at the official station from which the employee was transferred when he/she was assigned to a post of duty located in a foreign area. NOTE: SETTLEMENT ON THE SALE OF THE RESIDENCE MUST OCCUR AFTER THE EMPLOYEE EFFECTS HIS/HER TRANSFER FROM THE FOREIGN POST TO A DIFFERENT DUTY STATION WITHIN THE U.S.

b. The purchase of a residence occurs at a different duty station in the U.S. than the one from which he/she was transferred when assigned to the foreign post of duty.

6. Shipment and Storage of Household Goods

7. Deleted

8. One POV can be shipped, if authorized (See 6-2.2.5.)

9. RIT Allowance

10. Property Management Services (See 6-2.13.)

6-2.1 Relocation Services

6-2.1.1 Authorization/Eligibility

(1) FBI employees transferred at cost to the Government from one official duty station to another within CONUS, Alaska, Hawaii, Puerto Rico, the Virgin Islands or Guam with an effective transfer date of 11/14/83 or later are eligible for relocation services.

(2) New employees with no prior Government service or with a break in Government service are not eligible for this benefit. Also, employees entering on duty with the FBI from one of the uniformed military services do not qualify for this benefit.

(3) Employees transferred prior to 11/14/83 are eligible for direct reimbursement of relocation expenses according to the regulations and monetary reimbursement in effect at the time of transfer.

6-2.1.2 Conditions

The "FBI Employee Relocation Handbook" provides detailed information describing the FBI's relocation policy and services, as well as eligibility, time limits and reimbursable expenses. This handbook describes the list of relocation services and expense reimbursement for employees relocating at the direction of the agency. A copy of this handbook will be forwarded to all employees being transferred shortly after notification (receipt of transfer letter agreement). A copy of this handbook will be distributed to every FBI Agent candidate while attending New Agent's Class.

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6-2.1.3 Relocation Services Procedures

The following procedures are in effect to utilize the relocation services:

- (1) Upon receipt of the signed transfer agreement, 3-34B, the Relocation Management Office, Fleet Management and Transportation Services Unit (FMTSU), will immediately notify a relocation management firm of the transferee's eligibility.
- (2) Within two (2) working days, a counselor from the relocation firm will contact the transferee to explain and initiate services selected by the transferee. The counselor will also send the transferee descriptive information on the services selected.
- (3) Relocation firms cannot begin services without official authorization from the FMTSU. Transferees should NOT contact the relocation firm directly, prior to authorization.
- (4) Use of the Relocation Program is voluntary. Whenever a transferee decides to sell his/her home incident to an official transfer, he/she must begin to market the home immediately upon receipt of transfer orders.

6-2.1.4 Relocation Program Services

The following is a list of available relocation services and mandates for their use. A more detailed description, explaining available services, entitlements and procedures for using these services can be located in the "FBI Employee Relocation Handbook."

- (1) Guaranteed Homesale - The relocation company will make a guaranteed offer to purchase the transferee's home based on the average of two independent relocation appraisals. Should the initial two appraisals not be within 5 percent of the higher of the two appraisals, a third appraisal will be ordered. The guaranteed offer will then be based on the average of the two highest appraisals out of the three appraisals obtained.
 - (a) Once the transferee has received a guaranteed offer from the relocation company, he/she has 60 days to accept or reject that offer. However, during the first 30 days of that 60-day acceptance period, the guaranteed offer cannot be accepted unless an acceptable outside offer is obtained. Any waiver from the policy mandating transferees to accept a guaranteed offer only after the first 30 days of the 60-day acceptance period must be obtained by submitting a written request to the Section Chief, Property Procurement and Management Section, Finance Division, for approval.
 - (b) Equity will be disbursed within five (5) working days before the transferee vacates his/her home or within five (5) working days after the relocation company receives the transferee's "Offer to Purchase Agreement" for a residence at the transferee's new duty station, whichever is earlier. Also, after receiving an offer by the relocation company, and at any time during the 60-day acceptance period, you may request up to an 80 percent equity advance from the relocation company to help in purchasing a new home at your new duty station.
- (2) Marketing (Homeselling) Assistance Program (MAP) - This is a preappraisal program providing professional assistance in marketing a home. The intent of MAP is to assist the transferee in obtaining the highest possible price for his/her home.
 - (a) The MAP will provide transferees with professional assistance in helping select an outside real estate listing broker and develop an effective marketing and negotiating strategy for the home.
 - (b) When a transferee desires to participate in the Guaranteed Home Purchase aspect of the Relocation Program, it will be mandatory for him/her to utilize the MAP. Any exemption from participation in the MAP must be obtained from the Section Chief, Property Procurement and Management Section.
- (3) Homefinding Service - As part of the service, the transferee will be introduced to real estate brokers in the best position to help locate a home at the new duty station.

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(4) Mortgage Financing Assistance - Transferees are provided information and counseling on mortgage financing alternatives.

(5) Direct Billing of Closing Costs - The FBI's relocation contract affords all eligible transferees who are purchasing a home at their new duty station and obtaining mortgage financing through one of the relocation companies' mortgage lenders to have their allowable closing costs paid by the relocation company at the time of settlement. Allowable closing costs on the purchase are those costs allowable under the FTR. For complete details and eligibility requirements, please contact the Fleet Management and Transportation Services Unit, FBIHQ.

(6) Rental Homefinding Assistance - Transferees will be referred to a reputable and proven rental agency in the new community. Note: If it is normal in the new location for rental agencies to charge a fee, the transferee will be so advised. If the transferee elects to use their services, the transferee will be responsible for paying this fee.

(7) Spouse Employment Counseling - This is an optional service, and the transferee is responsible for paying the fee.

6-2.2 Household Goods

6-2.2.1 Shipment and Storage of Household Goods (See MAOP, Part I, 11-14.6.)

The FBI's Relocation Management Office, RTSU, will arrange for the packing, shipment, delivery and storage of up to 18,000 pounds of the employee's household goods and personal effects. In most cases, the shipment will be made by Government Bill of Lading (GBL). The Relocation Management Office will select the carrier, arrange for the service, prepare the GBL, and assist the employee in filing any loss and damage claims. The actual cost of packing, unpacking, shipping, delivery and storing of employee's goods will be paid directly to the carrier by the FBI.

(1) If the shipment exceeds the 18,000 pound limitation, the entire shipment will be shipped by GBL and the FBI will bill the employee for the cost of shipping excess weight and insurance.

(2) Household goods and personal effects are all the personal property associated with your home and all personal possessions, including two- or three-wheel vehicles owned and used by the employee and/or his/her immediate family. The following items cannot be shipped at FBI expense:

- (a) Any article considered to be illegal for shipment under Federal and State Laws (i.e., ammunition)
- (b) Property for sale or disposal
- (c) POVs on moves within CONUS
- (d) Boats, campers, mobile home trailers and farm vehicles, etc. (See MAOP, Part II, 6-2.2.7.)
- (e) Live animals
- (f) Hazardous articles

(3) If the Relocation Management Office determines the employee's household goods cannot be shipped by GBL, the "Commutated Rate System" will be used. The employee will be asked to make all arrangements for the shipment, including selection of the van line (or other method of shipment) and payment of the actual cost. The employee must furnish a signed weight certificate (empty and full weights of his/her shipment), rental contracts, and commercial bills of lading showing payment was made. The employee will be reimbursed according to the commuted rate schedule (for rates contact Relocation Management Office).

(4) Notification of Damage or Loss to Household Goods (HHGs) - When HHGs of an employee are delivered to their residence, the HHG Carrier (usually the moving van operator) is required to furnish the employee

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with DD Forms 1840 and 1840R, Joint Statement of Loss or Damage at Delivery. This is a five-page, two-sided, pink form. The van operator MUST obtain the employee's signature on DD Form 1840. This signifies that the employee has received three pages of the forms and that the van operator has explained the employee's responsibility for inspecting and making notification of any damage or loss to HHGs within the required time frame. The reverse side, DD Form 1840R, is to be utilized by the employee to make notification of any loss or damage noted after the van operator has departed the residence. (See Legal Attache Manual, 5-9.)

(a) The instructions on the DD Form 1840R, Notice of Loss or Damage, require the forms (2 of 3) be delivered (mailed) to the local claims office (Relocation Management Office, FBIHQ, Washington, D. C. 20535) not later than 70 days from date of delivery. DD Form 1840 and 1840R are NOT CLAIM FORMS, they only serve to put the HHG Carrier on notice of employee's intent to file a claim.

(b) If the van operator does not furnish DD Form 1840 and 1840R to the employee at time of delivery of HHGs, the employee should immediately notify Relocation Management Office FBIHQ, concerning the failure to provide these forms. FTS [REDACTED] Commercial - [REDACTED] or Toll Free [REDACTED]

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6-2.2.2 Temporary Storage of Household Goods (HHGs) (See MAOP, Part I, 11-14.6.)

The time allowed for temporary storage of HHGs shall not exceed a period of 90 days. Upon written request, the initial 90-day period may be extended an additional period not to exceed 90 days for a total of 180 days under certain conditions, provided justification is acceptable to the agency. Justification for an additional storage period may include but is not limited to the following:

- (1) An intervening temporary duty or long-term training assignment;
- (2) Nonavailability of suitable housing;
- (3) Awaiting completion of residence under construction;
- (4) Serious illness of employee or illness or death of a dependent; or
- (5) Strikes, acts of God, or other circumstances beyond the control of the employee.

All written requests for additional storage time beyond the initial 90-day period must be forwarded to the Assistant Director, Finance Division, Attention: Relocation Management Office, for appropriate consideration. Such requests should be made by the employee prior to incurring the expense.

6-2.2.3 Shipments Outside the Conterminous United States (See MAOP, Part I, 11-14.6.)

Employees being transferred to, from and between Anchorage, Honolulu, San Juan, and Legal Attache offices will furnish Relocation Management Office, with the following information 30 to 45 days prior to anticipated date of move:

- (1) Household Goods:
 - (a) Origin address
 - (b) Origin telephone number, both office and residence
 - (c) Desired moving date
 - (d) Destination
 - (e) Estimated weight of goods to be shipped (see listing attached)
- (2) Unaccompanied/Accompanied Baggage - Estimated weight of baggage to be shipped. Prior Bureau authority required, written request should be submitted to Relocation Management Office.

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(3) POVs

(a) Make

(b) Model (state whether two- or four-door, station wagon or van)

(c) Year of manufacture (In order to be eligible to have a POV shipped to, from and between overseas posts of duty the employee must comply with the requirements of paragraph 302-10.2 of the FTRs.)

6-2.2.4 Storage of Household Goods (HHGs) in Lieu of Transportation

Storage of an employee's HHGs at Government expense in lieu of transportation to and from duty stations outside CONUS and Alaska may be allowed under certain circumstances. Prior approval must be obtained from the Relocation Management Office.

6-2.2.5 Shipment of a Privately Owned Vehicle (POV)

(1) Shipment of a POV to, from and between official posts of duty outside the conterminous United States (CONUS) may be allowed, at Government expense, in certain instances in which it is in the best interest of the Government for the employee to have the use of POV at the duty station. The transportation of POVs at Government expense is limited to vehicles of U.S. manufacture unless: (a) the head of the agency or his/her signee determines that only vehicles of foreign manufacture may be used effectively at the official station concerned; (b) the POV to be transported was purchased by the employee before he/she was aware that he/she would be assigned to duty at an official station to which the transportation of a POV would be authorized; or (c) for other reasons and, taking into consideration the current balance-of-payments situation, it is determined that the employee should be allowed to ship a vehicle of foreign manufacture. (FTRs, paragraph 302-10.2(c)(6).) Office of Liaison and International Affairs and the SACs of the Anchorage, Honolulu, and San Juan Divisions concur that a POV is necessary at the overseas assignment. Therefore, if the employee meets the requirements of paragraph 302-10 of the Federal Travel Regulations, he/she is authorized to ship one POV to, from or between overseas assignments.

(2) The POV to be authorized for return shipment must be the same POV shipped from CONUS to the overseas post of duty, unless the employee qualifies for an emergency replacement of a POV as indicated in Section 6-2.2.6, Emergency Replacement of POV.

6-2.2.6 Emergency Replacement of POV

An emergency replacement vehicle may be transported at Government expense to an employee's post of duty if:

(1) the employee had a POV at an official station outside the CONUS and it was determined to be in the Government's interest for him/her to have the vehicle;

(2) the vehicle is stolen, or seriously damaged or destroyed, or has deteriorated due to severe conditions at the post of duty, or requires emergency replacement for other reasons beyond the employee's control; and

(3) the head of the agency or his/her designee determines in advance of authorization that a replacement vehicle is necessary and in the interest of the Government.

Not more than one such emergency replacement may be authorized for an employee during any 4-year period during which the employee was stationed permanently and continuously at one or more posts of duty outside the CONUS where use of a POV by the employee was determined to be in the interest of the Government.

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6-2.2.7 Transportation of House Trailer or Mobile Dwelling

An employee who is entitled to transportation of HHGs and personal effects in accordance with provisions of the FTRs shall, in lieu of such transportation, be entitled to the carrier's charge for actual cost of transporting a house trailer for use as a residence. The allowance for the transportation of a house trailer only applies when such a trailer is transported between and within any of CONUS, including Alaska. The rate to the employee is 11 cents per mile when the house trailer is transported by means other than a commercial hauler. This payment is in addition to payment of the mileage allowance for transportation of POV.

6-2.3 Government Shipments (Other Than Household Goods and Personal Effects)

6-2.3.1 Modes of Shipment

(1) Small package shipments (up to 150 pounds).

(2) Government shipments not requiring expedited service are to be made, if possible, by parcel post. See Part 2, 2-2.2.7 of MAOP for details of weight and size limits on parcel post.

(3) Government shipments, requiring expedited service (overnight delivery). The General Services Administration (GSA) has awarded a multiple-award contract to various companies to provide express small package delivery service to all Executive Branch agencies. FBIHQ normally enters into a blanket purchase agreement (BPA) for the service based on best value to the FBI and all divisions are notified annually via a communication of the order numbers and the company or companies having the BPAs. It should be noted that special arrangements can be made under these GSA contracts for the shipping of hazardous materials. (See MAOP, Part 2, 6- 2.3.2.)

(4) Government shipments, not requiring expedited service, which cannot be shipped by parcel post should be shipped by a general freight carrier.

(a) Items to be shipped by general freight carrier must be boxed and properly labeled for shipment.

(b) Shipments of less than truckload (LTL) lots may be shipped direct by FBIHQ and field division shipping offices. The shipping office should make direct contact with a general freight carrier to arrange for pickup and delivery of the shipment.

(c) Shipments weighing more than 10,000 pounds or requiring truckload (TL) shipment, field division shipping offices must contact Relocation Management Office, RTSU, for assistance in obtaining rate and routing information.

6-2.3.2 Use of Government Bills of Lading (GBL)

The use of a GBL for general freight and express shipment, other than specified in 6-2.3.1 (3) above, will be as follows: a GBL, SF-1103, will be used to effect shipments costing in excess of \$100. If it can be determined in advance of shipment that the cost will be \$100 or less, a GBL should not be used and payment (prepaid) should be made at time of pickup at origin through the use of the field division's Draft System or Imprest Fund Account. (See MAOP, Part II, 6-2.3.5.)

6-2.3.3 Disposition of Government Bill of Lading

Before turning a shipment over to the carrier the GBL number must be placed on the outer wrapping of all outgoing packages and the following disposition made of the original GBLs and copies:

(1) White (original) Form SF-1103; one pink copy (shipping order) Form SF-1104; one white copy (freight waybill, original) Form SF-1105; and one white copy (carrier's copy) Form SF-1106 must be given to the carrier at the shipping point.

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- (2) One blue copy Form SF-1103b should be sent to the consignee.
- (3) One yellow copy Form SF-1103a should be sent to the Commercial Payments Unit, Accounting Section, FBIHQ. Field divisions should indicate the estimated cost of the shipment on this copy prior to forwarding it to the Commercial Payments Unit.
- (4) One yellow copy SF-1103a should be retained by the shipper.

6-2.3.4 Distribution of Airbill Copies

All copies except the shipper's copy are retained by the company or freight carrier.

- (1) The original copy should be retained at the origin company or freight carrier station.
- (2) The shipper's copy should be given to the origin shipper. The origin shipper should make a photocopy of the document to retain in the origin files. The shipper's copy should be forwarded to the Commercial Payments Unit, no later than the next day following the date of pickup. (NOTE: It is important that this copy be sent to the Commercial Payments Unit so it can be matched with the company or freight carrier billing.)
- (3) The consignee copy will arrive with the package.
- (4) The accounting copy, destination station copy, and point of destination (POD) copy will be retained by the company or freight carrier.

NOTE: DO NOT request the company or freight carrier to attach duplicate airbill copies to each invoice, as a service charge of \$5.00 will be assessed. The GSA Office of Transportation Audits (BW) has determined that the company or freight carrier invoices without underlying airbills meet the payment requirements specified in 41 CFR 101-41.304.2(d)(2).

6-2.3.5 Payment for Transportation Charges

Where it is determined in advance of the shipment that the total cost will be \$2,500 or less, transportation charges must be paid via the government purchase card and not the draft system. All payments in excess of \$2,500 must have a preaudit performed prior to payment and must be forwarded to the Property Management Unit (PMU), PPMS, Finance Division.

6-2.3.6 Receipt of Shipment by Consignee

When a shipment is received by the consignee, the blue copy, Form SF-1103b, must be placed in an administrative file entitled "Incoming Shipments" in sequential order as to GBL number. The delivering carrier is responsible for presenting the original SF-1103 for receipt of payment. In the event the original SF-1103 is lost, the carrier can be paid on presentation of SF-1105, freightway bill, original.

6-2.3.7 Shipments of Excess Property

For shipments of excess property from/between field division and FBIHQ where the use of a HHGs carrier is required, Relocation Management Office, RTSU, must be contacted for assistance in arranging for the shipment.

6-2.3.8 Claims for Goods Lost or Damaged

- (1) Claims for goods lost or damaged must be made by the consignee in those cases in which the FBI is assuming the transportation charges. The consignee should:
 - (a) Make a proper notation on the delivery receipt identifying the loss or damage.
 - (b) Notify at once the delivering carrier, or the carrier's agent at destination.

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Claims must include the value of goods lost or damaged and the amount of the transportation charges on same. Instructions to the consignee on these matters are set forth on the reverse of the SF-1103b.

(2) When shipment is free on board (FOB) destination, the shipper should be notified of any loss or damage in shipment. A copy of the freight bill on which the shortage or damage has been noted by the carrier or an inspection report made by the carrier should be furnished to the shipper. Material should be held pending advice from the shipper.

(3) Claims for goods lost or damaged, when shipped under GBLs, wherein the charges are assumed by GSA are the responsibility of GSA and that agency will file the claim with the delivering carrier. GSA should be notified of damages or discrepancies in the shipment from GSA supply depots by means of SF-361, in duplicate.

6-2.3.9 Shipment of Firearms (See MAOP, Part 2, 2-2.2.1, 2-2.2.2(1), 2-2.2.13; and MIOG, Part 2, 12-5 (5), 13-6.7 (29).)

Before being prepared for mailing or shipping, firearms are to be inspected by a Special Agent. Loaded firearms may NOT be mailed/shipped under any circumstances. Unloaded firearms may be mailed/shipped via Federal Express (FedEx) or USPS Registered mail if they do not exceed weight limits for first-class/priority mail. See Part 2, Section 2-2.2.4, of this manual for first class/priority mail weight limits. Live ammunition is defined as a "Dangerous Good" by the United States Department of Transportation and the International Air Transportation Association Regulations. Bureau offices must comply with all federal, state, and local laws governing packing, marking and labeling whenever shipping live ammunition. Live ammunition must not be forwarded through the USPS. (See Part 2, 2-2.2.1 (10) and MIOG, Part 2, 13-12.4.2.)

6-2.4 Homefinding

6-2.4.1 Authorization

The SAC or FBIHQ division head who has administrative control over the transferred employee is responsible for authorizing a homefinding trip. A trip for this purpose is authorized only when the circumstances indicate it is actually needed and to minimize or avoid undue expenses for temporary quarters. The identity and title of the person authorizing the homefinding trip must be indicated on the voucher requesting reimbursement of those expenses incurred in connection with this trip. FBI employees permanently transferred at cost to, from, and between the United States, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, and the United States territories and possessions are eligible for reimbursement of a homefinding trip, provided the map distance between the old and new duty station is at least 75 miles. This homefinding trip entitlement does not apply to new appointees and employees transferred to a foreign post.

6-2.4.2 Regulations

Regulations provide for the payment of travel and transportation expenses for the employee and spouse traveling together or the employee or spouse traveling individually for one round trip (each) between the old and new duty stations for the purpose of seeking a permanent residence. If separate round trips are taken, the overall cost to the Government shall be limited to the cost of one round trip for the employee and the spouse traveling together. The employee taking a homefinding trip must accomplish such a trip prior to reporting to the new duty station. The spouse must accomplish such a trip prior to relocating to the new duty station.

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6-2.4.3 Allowances

(1) Maximum time allowed for a homefinding trip is ten consecutive calendar days. (See MAOP, Part 1, 11-1.4; Part 2, 3-3.2 (7) (b).)

(2) Reimbursement for homefinding travel performed on or after December 27, 1996, shall be computed based on the locality per diem rates. The employee shall be reimbursed the actual cost of lodging, not to exceed the prescribed lodging rate for the locality, plus the applicable M & IE rate for both the employee and spouse. In those instances where the employee seeks permanent housing in a different locality than where he/she obtains lodging accommodations, the employee's reimbursement will be limited to the lesser of the two per diem rates. For example, if an employee was transferred to Quantico, Virginia, where the prescribed lodging rate is \$84 for lodging and \$34 for M & IE, and the employee chooses to obtain lodging accommodations in Alexandria, Virginia, where the prescribed lodging rate is \$119 for lodging and \$46 for M & IE, reimbursement will be limited to the rate for Quantico, Virginia. Original receipts are required in support of all lodging claims. For the day travel begins and ends, three-fourths of the applicable M & IE rate shall be authorized for both the employee and the spouse as provided in Part 2, Section 6-1.3 (1)(a) of this manual. The full M & IE rate shall be payable for each full calendar day the employee and spouse is away from the official duty station seeking permanent housing. The M & IE rate is payable to the travelers without itemization of expenses or receipts. The employee and spouse traveling together will be reimbursed for the cost of one room and the applicable M & IE rate for each. If separate homefinding trips are taken, the overall cost to the government for the two trips shall be limited to the cost of one round trip for the employee and spouse traveling together. The regulations governing homefinding travel only provide for reimbursement of the employee and spouse; no other dependent travel can be authorized at government expense. (NOTE: Claims for reimbursement of homefinding travel performed prior to December 27, 1996, must be computed based on the standard CONUS rate of \$66.)

(a) Employees obtaining commercial lodging must make every effort to stay in accommodations that meet the requirements of the Hotel and Motel Fire Safety Act (HMFSa). The number of nights spent in commercial properties in compliance with the HMFSa compared to the number of nights commercial lodging was obtained must be indicated next to the "purpose of travel" on the SF-1012, Travel Voucher. For example, if lodging was obtained for nine nights in an approved accommodation, indicate "9/9" beside "purpose of travel." (See MAOP, Part 2, 6-1.3.2(3)(a).) If lodging was provided by friends or family, do not indicate anything beside "purpose of travel."

(3) When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the travel voucher as supporting documentation. Such costs may include maid service, bed rental, documentation of increase in utility bill, etc. Costs based on room rates for comparable commercial lodging or "token amounts" will not be considered reasonable by the Bureau. Provided the costs incurred are determined to be reasonable and acceptable to the Bureau, they will be allowed as lodging expenses. (See MAOP, Part 2, 6-1.3, 6-1.3.1, 6-1.3.2, 6-2.6.3.)

(4) The rental of an automobile may be allowed, provided sufficient justification acceptable to the agency is furnished; but every effort should be made to use public transportation, if available. Approval for the rental of an automobile in connection with a homefinding trip in a field office must be obtained from the SAC or, in his/her absence, the ASAC. At FBIHQ, approval must be obtained from the Section Chief or, in his/her absence, the Unit Chief. In support of a rental claim, the title and identity of the approving official must be indicated on the voucher. NO REIMBURSEMENT CAN BE MADE FOR COLLISION DAMAGE WAIVER FEE OR AUTOMOBILE INSURANCE. Purchase of gasoline is allowed, provided documented by receipts. Under no circumstance is a Bureau vehicle to be used for homefinding purposes.

(5) Expenses for the use of a taxi shall be limited to transportation between the airport carrier terminals and place of lodging.

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(6) If a POV is used, provided it is advantageous to the government, the POV rate shall be as follows:

15 cents - employee or spouse

17 cents - employee and spouse

(7) If a GTR is issued, the employee must use the applicable contract fare. "Homefinding" and the cost identifying number (transfer agreement number) should be indicated on the GTR.

(8) Telephone calls cannot be claimed on homefinding vouchers. The cost of telephone calls made to realty companies may be reimbursed as part of the employee's miscellaneous expense claim if itemized.

Telephone calls made by the employee to inform his/her duty office of his/her temporary location during the homefinding trip may be claimed on the employee's monthly expense voucher.

6-2.5 Travel on Transfer

6-2.5.1 Authorization

(1) Regulations provide for the payment of travel and per diem for the employee and the employee's immediate family when en route between the old and new duty stations in connection with a change of station. New appointees are not eligible for a per diem allowance for their immediate family members.

(2) All aspects of the transfer must be completed within two years from the date the employee reported to the new official duty station, unless the time period has been extended for completion of residence transaction expenses. (See MAOP, Part 2, 6-2.7.2.)

6-2.5.2 Regulations

The employee's travel must begin from the old duty station. Dependent's travel may begin from any point chosen by the employee; however, the claims may not exceed what would have been incurred by direct travel. If travel is indirect, per diem would end at the time the allowed mileage is exhausted. If an indirect route is taken due to weather or road conditions, this must be indicated on the voucher and actual mileage and per diem may be allowed provided sufficient justification and documentation are furnished. Per diem allowances shall be paid as follows:

(1) Actual time used to complete the trip provided the minimum driving distance of at least 300 miles is driven per calendar day; or,

(2) The distance (of usually traveled route) between old and new duty stations divided by the minimum daily driving distance (300 miles).

6-2.5.3 Allowances

(1) Reimbursement shall be computed under the "lodging-plus" per diem system. The standard CONUS rate of \$85, effective January 1, 2000, is the applicable maximum per diem rate for en route travel performed in CONUS incident to a change of official station. Included in this rate is both a maximum amount for lodging (\$55) and a fixed M & IE rate of \$30. The locality rates prescribed for locations outside CONUS will apply for en route travel performed outside CONUS incident to a change of official station. The single amount of lodging for each night must be indicated on the voucher. If

lodging was gratis, this fact must be indicated on the voucher. Original receipts are required for all lodging claims. M & IE are payable to the traveler without itemization or receipts. Set forth below is the maximum daily reimbursement limitation for each family member in connection with all travel incidental to a change of an official duty station: (See MAOP, Part 2, 6-1.6.3 & 6-2.6.4.)

Employee Full per diem rate (maxi. \$85, effective January 1, 2000) Spouse 3/4 rate of employee Children under 3/4 rate of employee 21, but at least 12 years of age Children under 12 1/2 rate of employee

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(NOTE: Claims for reimbursement of en route travel performed prior to January 1, 2000, should be computed based on the standard CONUS rate of \$80.)

In computing per diem no reimbursement can be allowed for travel of 12 hours or less. For the day travel begins and ends, the M & IE rate will be as provided in Part 2, Section 6-1.3 (1)(a) of this manual.

(NOTE: If a spouse is unaccompanied by employee, the spouse is considered to be the primary traveler and is allowed the full per diem rate. If the spouse's departure is within ten days of employee, the voucher requesting reimbursement for such expenditures must be accompanied by a supporting communication fully justifying the separate travel on transfer.)

(a) Employees obtaining commercial lodging must make every effort to stay in accommodations that meet the requirements of the Hotel and Motel Fire Safety Act (HMFSA). The number of nights spent in commercial properties in compliance with the HMFSA compared to the number of nights commercial lodging was obtained must be indicated next to "purpose of travel" on the SF-1012, Travel Voucher. For example, if lodging was obtained for a total of five nights in five different properties, and three of the properties were approved accommodations, indicate "3/5" beside the "purpose of travel." (See MAOP, Part 2, 6-1.3.2(3)(a).) If lodging was provided by friends or family, do not indicate anything beside "purpose of travel."

(2) TRANSPORTATION - The use of a POV may be authorized for travel in connection with a permanent change of official duty station. Under special circumstances, the use of two POVs may be granted upon written request to the Travel Advance and Payment Unit. Special circumstances which may require the use of more than one POV:

(a) There are more members of the immediate family than can be reasonably transported with luggage in one POV.

(b) Because of the age or physical conditions, special accommodations are necessary in transporting a member of the immediate family in one POV, and a second POV is required for the travel of other members of the family.

(c) An employee reports to the new duty station in advance of members of the immediate family, because of delays for acceptable reasons, such as completion of the school term, sale of property, settlement of personal business affairs, disposition of shipment of household goods or absence of adequate housing at the new duty station.

(3) MILEAGE RATE - Payment of mileage allowances when authorized or approved in connection with the transfer is as follows:

OCCUPANTS OF POV MILEAGE RATE (CENTS)

Employee only; or one member 15 cents immediate family

Employee and one member; or two 17 cents members of immediate family

Employee and two members; or 19 cents three members of immediate family

Employee and three or more members; 20 cents or four or more members of immediate family

6-2.6 Temporary Quarters

(1) A subsistence allowance for the employee and each member of his/her immediate family shall be allowed for occupying temporary quarters prior to obtaining permanent housing incidental to an authorized transfer, provided the map distance between the old and new duty stations is at least 50 miles. The temporary quarters allowance subsidizes housing, meals, and incidental expenses which exceed normal levels during the relocation process.

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(2) Homefinding trips (limited to ten consecutive calendar days) and the use of the FBI's Relocation Program to sell residences being vacated are encouraged to ease the transition of a transfer. Effective usage of these services should limit temporary quarters occupancy to 60 days or less. Completion and/or closing/settlement dates should both be scheduled to occur within the first 60 days of temporary quarters regardless of whether an existing home or a new home (being constructed) is purchased.

6-2.6.1 Conditions and Limitations

(1) Initial Period of Temporary Quarters - A transferred employee and his/her immediate family shall be authorized subsistence expenses for up to 60 consecutive calendar days for temporary quarters. The SAC or Section Chief should closely review all employees in a temporary quarters status to ensure every effort is being made to occupy a permanent residence. In order to continue in a temporary quarters status beyond the first 30-day period, the employee must submit a memorandum setting forth the reason(s) and anticipated duration of the additionally requested temporary quarters. This memorandum must be approved by the SAC or Section Chief, and must accompany the employee's temporary quarters voucher for the second 30-day period. (NOTE: If an employee applied for an advance of funds for the second 30-day period of temporary quarters, he/she was required to submit an original SF-1038 and FD-460. The FD-460 must fully document the employee's justification and be approved for continued temporary quarters beyond the initial 30-day period. In this situation, the FD-460 may serve as the employee's supporting memorandum. If a copy of the FD-460 is unavailable to the employee for submission with his/her temporary quarters voucher, the employee is required to indicate on the voucher that supporting documentation was previously furnished with his/her advance of funds request.)

(2) Deleted

(3) Additional Time In Temporary Quarters - Subsistence expenses may be allowed for an additional period of time not to exceed 60 days for a total of 120 consecutive days provided the agency determines that compelling reasons exist for continued occupancy of temporary quarters. The total period of time in temporary quarters under any circumstances shall not exceed 120 days. Authorization to extend the temporary quarters period beyond the initial 60-day period will be kept to a minimum. Authorization will be extended only to employees who can demonstrate a need due to circumstances beyond their control which occurred during the initial 60-day period of temporary quarters that extended the planned occupancy for permanent housing beyond the end of the initial 60 days.

(a) Employees requesting an extension of temporary quarters beyond the initial 60-day period must furnish written justification prior to the conclusion of the first 60 days. The written request must include a complete explanation of efforts made during the first 60 days to occupy a permanent residence, along with pertinent documentation which may include, but should not be limited to the following:

1. Real Estate Purchase Agreement
2. Lease Agreement
3. Loan Processing
4. Settlement Statement
5. Written verification from builders, loan processors, realtors, or settlement attorneys regarding short-term delays.

The written request, along with supporting documentation, must be submitted to the employee's SAC or Assistant Director for his/her review and signature of approval or disapproval of the claim. The requests must then be forwarded to the Section Chief, Accounting Section, in care of the Travel Advance and Payment Unit, where a decision will be rendered as to whether an extension of temporary quarters is justified beyond the initial 60-day period. The decision rendered will be based solely upon the individual

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employee's circumstances. The SAC or Assistant Director will be notified in writing of the decision and, in turn, will advise the employee.

(4) Short-term extensions limited to 30 days (total of 90 days) will be considered for the following types of problems which delay occupancy of permanent housing:

(a) Short-term delays in shipment and/or delivery of household goods to the new residence due to an extended transit time involving ocean transportation, strikes, customs, or bad weather.

(b) Short-term delays combined with the inability to take a homefinding trip not permitted for particular duty stations (transfer to or from a foreign post).

(c) Inability to locate a permanent residence suitable for family needs due to limitations generated by local economic conditions upon the selection of desirable homes.

(d) Employees may be granted an extension of temporary quarters when a permanent residence cannot be occupied because of unanticipated problems (i.e., delays in settlement or new residence, short-term delays in construction of a new residence). The employee must clearly demonstrate that the residence was initially scheduled to be completed before the end of the initial 60-day period, and due to circumstances beyond their control, construction is not completed during this period. Employees must furnish a copy of the purchase/sales agreement to verify the original completion/settlement date. When there are contradictory issues between the builder and employee regarding completion/settlement dates, FBIHQ will rely on the terms and conditions set forth in the contract executed between the employee and builder.

(5) Extensions of temporary quarters in excess of 90 days are rarely authorized. Only serious problems will be considered for extensions of temporary quarters up to 120 days. Examples are as follows:

(a) Acts of God which caused destruction to an employee's property or serious injury to an immediate family member creating a significant delay in purchase or settlement.

(b) Sudden serious illness, injury, or death to the employee, or a member of the immediate family which creates a significant delay in purchase or settlement.

6-2.6.2 Beginning of Eligibility Period

The use of temporary quarters for subsistence expenses may begin as soon as the employee's transfer has been authorized and the required written agreement has been executed. The period of eligibility shall commence when the employee or any member of the immediate family occupies temporary quarters and a claim for reimbursement is made for the expenses incurred in connection with the occupation of these quarters. Once temporary quarters has commenced, the time period runs concurrently for the employee and all family members. Temporary quarters terminates when the employee or any family member occupies a permanent residence or when the authorized period of time expires, whichever occurs first. If temporary quarters is occupied less than a whole day, it is considered as one full calendar day of the eligibility period. The temporary quarters period shall terminate at midnight of the last day of eligibility.

(1) The employee may occupy temporary quarters at one location while members of the immediate family occupy quarters at another location. (As a general rule, the location of temporary quarters must be within reasonable proximity of the old and/or new duty station.) Payment of subsistence expenses for occupancy of temporary quarters in another location shall not be allowed unless justified by circumstances unique to the individual employee or the employee's family that are reasonably related and incidental to the transfer. Payment of such expenses must be authorized or approved by the head of the employee's agency or his/her designee.

(2) When an employee is transferred and the distance between the new official duty station and old residence is not more than 40 miles greater than the distance between the old residence and the old official

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duty station is less than 50 miles apart, a temporary quarters subsistence expense cannot be authorized. Measurements shall be made according to map distance along a usually traveled route.

(3) The following guidelines should be used for determining the beginning of the eligibility period for temporary quarters subsistence reimbursement for transfers within CONUS.

(a) If an employee commences temporary quarters for reimbursement purposes on the same day when his/her en route travel between transfer points terminates, the temporary quarters eligibility period shall begin upon the termination of the en route travel.

(b) In those situations when an employee commences temporary quarters for reimbursement purposes on a day other than when his/her en route travel between transfer points terminates, the temporary quarters eligibility period shall begin at 12:01 a.m. of the calendar day in which the employee wants to begin claiming temporary quarters.

(4) The following guidelines shall be used for determining the beginning of the eligibility period for temporary quarters subsistence when the old and/or the new official duty station is outside CONUS;

(a) If an employee commences temporary quarters for reimbursement purposes on the same day when his/her en route travel ends and this travel period was less than 24 hours, the temporary quarters eligibility period shall begin in the same calendar day quarter in which the en route travel per diem ends.

(b) If an employee commences temporary quarters for reimbursement purposes on the same day when his/her en route travel ends and this travel period was more than 24 hours, the temporary quarters eligibility period shall begin in the calendar day quarter that immediately follows the one in which the en route travel per diem ends.

(c) In those situations when an employee commences temporary quarters for reimbursement purposes on a day other than when his/her en route travel between transfer points terminates, the temporary quarters eligibility period shall begin with the first quarter of the calendar day in which temporary quarters reimbursement is claimed.

6-2.6.3 Allowable Expenses

Reimbursement shall be made only for actual subsistence expenses incurred, provided they are incidental to the occupancy of temporary quarters and are reasonable as to amounts. Allowable subsistence expenses include ONLY charges for meals (including groceries consumed during occupancy of temporary quarters), lodging, fees and tips incidental to meals and lodging, laundry and cleaning and pressing of clothing, monthly phone bills and utilities and furniture rental. (NOTE: No installation charges are allowed during temporary quarters. If an employee submits an itemized miscellaneous expense voucher, installation charges may be included on this voucher submission.) The actual expenses shall be itemized in a manner which will permit at least a review of the amounts spent daily for (1) lodging, (2) meals and (3) all other items of subsistence and miscellaneous expenses. Meal claims for the employee and their immediate families cannot exceed 50 percent of the daily subsistence rate. Original receipts are required for lodging, monthly phone bills and utilities, furniture rental, laundry and cleaning expenses (except when coin-operated facilities are used, and in those instances a certification to that effect should be included on the voucher) as well as any individual's meal claim in excess of \$75. Expenses for local transportation incurred for any purpose during occupancy of temporary quarters shall not be allowed.

(1) When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the travel voucher as supporting documentation. Such costs may include maid service, bed rental, documentation of increase in utility bill, etc. Costs based on room rates for comparable commercial lodging or "token amounts" will not be considered reasonable by the Bureau. Provided the costs incurred are determined to be

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reasonable and acceptable to the Bureau, it will be allowed as a lodging expense. (See MAOP, Part 2, 6-1.3, 6-1.3.1, 6-1.3.2, 6-2.4.3.)

(2) Employees in an annual leave or sick leave status away from their official duty station shall not be allowed reimbursement for subsistence. The time in annual leave status or sick leave status will be included in the length of time occupying temporary quarters. No adjustments can be allowed to extend the length of time in temporary quarters because of leave taken. If lodging has been paid in advance, the employee will be allowed to claim that expense while in a leave status.

(3) Allowance Expenses - All employees who submit claims for temporary quarters allowance will be required to place a certification statement on their travel voucher. The employee must certify that the expenses claimed were incurred during the occupancy of temporary quarters and that the time spent in temporary quarters was the minimum needed to obtain and occupy permanent quarters.

6-2.6.4 Applicable Maximum Per Diem Rate for Initial Period of Temporary Quarters

The maximum per diem rate to be used for computation of temporary quarters located in CONUS is the standard CONUS rate (\$85 max). Maximum per diem rate for locations outside CONUS is based on the rate prescribed by the Secretary of Defense or by the Secretary of State and published periodically in the "Per Diem Supplement to the Standardized Regulations (Government Civilian, Foreign Areas)" and the "Civilian Personnel Per Diem Bulletin."

(1) The amount which may be reimbursed for temporary quarters subsistence expenses shall be the actual amount of allowable expenses incurred for each 30-day period not to exceed a maximum amount based on the daily rate set forth below, multiplied by 30. MEAL EXPENSES MAY NOT EXCEED 50 PERCENT OF THE MAXIMUM ALLOWABLE PER DIEM. If less than a 30-day period is authorized, the maximum allowable amount will be based on the number of days authorized. The maximum per diem rates to be used for computation for employees and their immediate families for the initial period of temporary quarters are as follows: (See MAOP, Part 2, 6-1.6.3, 6-2.5.3.)

Daily Reimbursement Limitations (NOTE: Rates are effective January 1, 2000.)

First 30-Day Period (Standard CONUS Rate)

Employee or spouse unaccompanied by employee \$85.00

Accompanying spouse (75 percent of CONUS rate) \$63.75

Each family member under 21, but at least 12 years of age. (75 percent of CONUS rate) \$63.75

Each family member under 12 years (1/2 or 50 percent of CONUS rate) \$42.50

Second 30-Day Period

Employee or spouse unaccompanied by employee (75 percent of CONUS rate) \$63.75

Accompanying spouse (50 percent of CONUS rate) \$42.50

Each family member under 21, but at least 12 years of age (50 percent of CONUS rate) \$42.50

Each family member under 12 years (40 percent of CONUS rate) \$34.00

(NOTE: Claims for reimbursement of temporary quarters prior to January 1, 2000, should be computed based on the standard CONUS rate of \$80.)

(2) When occupancy of temporary quarters beyond the first 60 days has been approved due to compelling reasons, the additional days shall be computed at the same rates allowed for the second 30-day period for the employee and each member of the immediate family.

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6-2.7 Purchase and Sale of Residence

6-2.7.1 Authorization

To the extent allowed under these regulations, the Government shall reimburse an employee for allowable expenses required to be paid by him/her in connection with the sale of one residence at his/her old duty station; for the purchase (including construction) of one dwelling at his/her new duty station; or for the settlement of an unexpired lease involving his/her residence or lot on which a mobile home used as his/her residence at the old duty station.

6-2.7.2 Eligibility (See MAOP, Part 2, 6-2.5.1.)

The claims under these regulations are payable to the extent allowed provided that:

(1) The dwelling for which reimbursement of selling expenses is claimed was the employee's residence at the time he/she was notified by competent authority of pending transfer and this was the dwelling from which the employee commuted to and from work daily.

(2) The title to the residence or the interest in a cooperatively owned dwelling or an unexpired lease at the old duty station is in the name of the employee and/or employee and spouse or one or more members of his/her immediate family.

(3) The settlement dates for the sale and purchase or lease termination transaction for which reimbursement is requested are not later than two years from the date the employee reported for duty at the new duty station. This time limitation may be extended for an additional period of time not to exceed two years, when circumstances beyond the employee's control and acceptable to the agency have prevented him/her from completing residence transaction expenses within the initial two-year period. The delay in completing residence transactions expenses must be reasonably related to the employee's transfer to the new duty station.

(a) The written request must be submitted to the Travel Advance and payment Unit (TAPU), Accounting Section, Room 1396, detailing the circumstances that have prevented the employee from completing the residence transaction expenses during the initial two- year period and a realistic date as to when the residence transactions will be completed. The written request must be submitted to TAPU no later than 30 calendar days after the end of the initial two-year period.

(b) Request for extension of residence transaction expenses will be reviewed and/or approved in one-year increments. Therefore, if an employee has not completed residence transaction expenses by the end of the third year, he/she must submit another request detailing the circumstances, which were beyond his/her control, that prevented him/her from completing the residence transaction expenses during the approved third year. Absent extenuating circumstances, requests for a fourth year will rarely be approved.

(c) If an employee has no real estate entitlements, all aspects of the transfer must be completed within two years from the date the employee reported to the new official duty station.

6-2.7.3 Reimbursement

(1) Employees shall submit appropriate forms for claiming reimbursement for expenses incurred in connection with real estate transactions. Amounts claimed must be supported by documentation showing that the expense was in fact incurred and paid by the employee. The appropriate forms include the SF-1012, the travel voucher, and the HUD-1 Settlement Statement. The SF-1012, travel voucher, must be signed by the SAC of the new duty station for transactions in connection with a purchase and by the SAC of the old duty station for transactions in connection with the sale of a residence.

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(2) Claims in connection with an unexpired lease must be claimed on a separate voucher, supported by a copy of the executed lease as well as paid receipts. The daily prorated rent is determined on the basis of a 30-day month. The day of departure from the old residence cannot be included in the computation for unused rent.

(3) Claims in connection with the sale or purchase of a residence must be supported by:

- (a) Purchase and/or Sales Agreement
- (b) Property settlement or loan closing statement
- (c) Invoices or receipts marked "Paid"

(4) The maximum reimbursement that can be allowed for real estate transactions is determined by the date the employee reports for duty at his/her new official duty station. Reimbursement of real estate selling expenses is limited to 10 percent of the sales price, and reimbursement of purchase expenses is limited to 5 percent of the purchase price of the residence. (5) The following is a list of reimbursable and nonreimbursable claims in connection with the sale or purchase of a residence provided they are reasonable and customary for the locality:

(a) Reimbursable Expenses

1. Loan origination fee or a loan assumption fee if assessed rather than the loan origination fee. One percent is usually considered reasonable and customary for most localities. (NOTE: Reimbursement of the loan origination fee will be limited to 1 percent. Any additional charges must be supported by a letter from the lender with a complete breakdown of the fee. The letter must show, by clear and convincing evidence, including an itemization of the lender's administrative charges, that the fee exceeding the standard 1 percent charge does not include prepaid interest, points, or a mortgage discount. A generalized percentage breakdown of the loan origination fee charged by the lender or a general statement attesting to the fact that the high charge does not include prepaid interest points or a mortgage discount will NOT SUFFICE.

2. Prepayment charge

3. FHA or VA application fee (NOTE: VA funding fee is a nonreimbursable expense.)

4. Broker's fee, realtor's fee

5. Attorney's fee

6. State Revenue Stamps

7. Recording fee

8. Appraisal fee

9. Advertising cost and/or realtor's commission

10. Credit report

11. State tax stamp

12. Survey

13. Mortgage title insurance (based on the amount of money borrowed rather than the purchase price).

14. Title insurance (Lender's coverage only)

NOTE: If items 13 and 14 above are not broken down on the settlement statement, then a letter must be furnished by the mortgage company explaining the breakdown of these expenses.

(b) Nonreimbursable Expenses

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1. Loan processing fee
2. Points, discounts or interest
3. Prorated tax
4. Membership fee
5. VA funding fee
6. Mortgage insurance, mortgage insurance premium and hazard insurance premium.
7. Tax service charge
8. Underwriting fee
9. Cost of litigation
10. Operating or maintenance costs
11. Broker's fee to locate mortgage on purchase.

6-2.8 Miscellaneous Expense Allowance

A miscellaneous expense allowance is authorized to assist the employee with the various expenses associated with discontinuing and establishing a residence in connection with his/her change of official duty station. This entitlement does not apply to new appointees or employees returning from overseas assignment for the purpose of separation.

6-2.8.1 Allowances

(1) Without itemizing the actual expenses, the employee is entitled to an allowance of:

- (a) \$500 or one week's basic pay, whichever is the lesser for an employee without an immediate family; or,
- (b) \$1,000 or two weeks' basic pay, whichever is the lesser for an employee with an immediate family.

(2) If an employee's actual expenses exceed the amounts noted above, he/she may submit itemized receipts subject to the following limitations: (a) an employee without an immediate family may received up to one week's gross (basic) pay; or, (b) an employee with an immediate family may received up to two weeks' gross (basic) pay. The maximum reimbursement an employee may receive by itemizing is limited to the employee's gross (basic) pay at the time he/she effects the transfer and in no instance will it exceed the gross (basic) pay of a grade GS-13. For example, an employee who is a grade GS-10 at the time he/she effects his/her transfer cannot exceed the gross (basic) pay of a grade GS-10.

6-2.8.2 Reimbursable Expenses

- (1) Disconnection and connection of appliances, equipment, utilities and the cost of transformers necessary to accommodate 110 volt electrical equipment.
- (2) Cutting and fitting rugs, draperies and curtains moved from the old residence to the new home.
- (3) Utility fees or deposits that are not eventually refunded.
- (4) Vehicle registration, driver's license and use tax imposed when an automobile is brought into some jurisdictions.
- (5) Dog tags

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(6) Cost of installing telephone service at your new home, if comparable to the service at the old residence. A statement to this effect should be indicated on the voucher. Also reimbursable is a buried wire charge assessed by a neighborhood serviced by underground utilities.

(7) Personal telephone expenses in connection with real estate transactions.

(8) Forfeiture losses on medical, dental and food contracts that are not transferable and contracts for private institutional care, such as that provided for handicapped or invalid dependents, which are not transferable.

(9) Inspection of household goods for gypsy moth life. However, any expenses for treatment of gypsy moth life is not reimbursable.

(10) Finder's fee (in New York only)

(11) Residential rental tax stamps (in New Mexico only)

(12) Forfeited deposits in connection with the purchasing of a residence that an employee is prevented from completing because of reassignment.

6-2.8.3 Nonreimbursable Expenses

(1) Losses, as a result of buying or selling real estate and personal property and costs related to such transactions.

(2) Costs reimbursed under other provisions of these regulations or statutes.

(3) Costs of additional insurance on household goods while in transit or storage, or cost of any loss or damage to those goods.

(4) Additional costs of moving household goods caused by exceeding weight limits.

(5) Purchase or installation of new items such as drapes or carpets.

(6) Higher-income, real estate sales or other taxes resulting from establishing your new residence.

(7) Traffic fines while traveling to new area.

(8) Accident insurance premiums or liability costs for travel to new duty station.

(9) Losses from sale or disposal of personal property not considered convenient or practicable to move.

(10) Damage or loss of clothing, luggage or other personal effects while traveling to new duty station.

(11) Expenses in excess of the maximum eligible reimbursement of travel and per diem allowances.

(12) Medical expenses due to illness of employee and/or his/her immediate family while traveling to the new duty station.

(13) Cost of alterations, remodeling or modernizing your new residence or the cost of replacing or repairing defective appliances or equipment shipped to the new residence.

6-2.9 Relocation Income Tax (RIT) Allowance

6-2.9.1 Authorization

(1) Payment of a relocation income tax (RIT) allowance is authorized to reimburse eligible transferred employees for substantially all or part of the additional federal, state and local income taxes incurred by the employee, or by the employee and his/her spouse if a joint tax return is filed as a result of certain moving expenses and travel and per diem expenses provided by the government.

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(2) Payment of a RIT allowance is authorized for employees transferred on or after November 14, 1983, in the interest of the government from one official station to another for permanent duty. The effective date of an employee's transfer is the date the employee reports for duty at the new duty station. The following individuals are not covered:

- (a) New appointees (i.e., new appointees to shortage category or senior executive service position and new Presidential appointees and new appointees to overseas posts of duty).
- (b) Employees assigned under the Government Employee's Training Act or
- (c) Employees returning from overseas assignment for the purpose of separation.

6-2.9.2 Reimbursement

The reimbursement of an employee's tax liability is done in two stages. The first stage is termed Withholding Tax Allowance (WTA), and the second stage is termed RIT allowance. WTA is an estimated partial payment of your federal tax liability and offsets the 28 percent federal tax withholding. Each time a relocation expense or travel voucher is processed and subject to federal tax withholding, the Travel Advance and Payment Unit will automatically calculate and reimburse the WTA. The RIT allowance is intended to cover substantially all of the additional tax liability incurred as a result of relocation expense reimbursements received during each tax year. If an employee receives reimbursements for relocation expenses or travel and per diem payment in more than one year, then he/she may be eligible for more than one RIT allowance. A RIT allowance claim must be submitted by the employee to the Travel Advance and Payment Unit at the beginning of each year after the tax year in which he/she was reimbursed for relocation expenses. Submission of a RIT allowance claim does not relieve the employee of his/her responsibility to file his/her taxes on a timely basis. In order to file a RIT allowance claim, the employee must completely execute a Relocation Income Tax Certification, FD-679, and an SF-1012, travel voucher, and forward this claim along with supporting documentation to the Travel Advance and Payment Unit for processing. (NOTE: Refer to "A Guide to Success -- Creating the 'Perfect' Transfer Voucher" for complete instructions concerning the RIT allowance claim.)

6-2.10 General Provisions Governing Temporary Duty (TDY) and Transfer Advances of Funds

6-2.10.1 Purpose

TDY and/or transfer advances of funds are issued to assist an employee in discharging his/her responsibilities associated with official business. The advance of funds will be limited to 80 percent of the minimum estimated cash expenses. For employees who have an AMEX card, the advance of funds will be limited to 80 percent of the M & IE rate. ADVANCES OF FUNDS ARE ONLY TO BE UTILIZED IN CONNECTION WITH OFFICIAL BUSINESS. Misuse of these funds will result in an administrative inquiry and appropriate disciplinary action.

6-2.10.2 Approving Official (See MAOP, Part II, 6-2.10.3(2) & 6-2.10.7(2)(a).)

(1) TDY Advance of Funds - Generally, the authorizing official who approves travel of the TDY assignment should also approve the advance of funds request for the same purpose. (NOTE: All travel, with the exception of SACs and LEGATS, must be authorized by an official occupying a higher-level position than the traveler. The Administrative Officer may authorize travel of support employees.)

(2) Transfer Advances - In a field division, the authorizing/approving official is the SAC or the ASAC; and at FBIHQ, a Unit Chief or above.

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6-2.10.3 Processing Requirements

(1) TDY or Transfer Advance Issued by the Travel Advance and Payment Unit, Accounting Section - TDY and transfer advance of funds checks are issued from the automated accounts payable system. An employee should allow approximately 21 calendar days from the time the advance request is executed and approved and the check is received. (NOTE: An employee's advance request received by the Travel Advance and Payment Unit after the indicated travel period has been completed will not be processed for payment.) Therefore, whenever possible, it is incumbent upon each employee to properly plan and assess his/her travel requirements to allow for adequate processing time. In the event that investigative responsibilities require immediate funding for TDY matters, the supervisory official in charge should contact the Travel Advance and Payment Unit for assistance. The full Bureau name(s) and social security number(s) of the traveling employee(s) should be readily available when making this contact.

(2) TDY Advances Issued From the Draft System or Imprest Fund Account - Depending upon the availability of funds and pending account requirements, same day service for processing advance requests will be the general rule. The Draft or Imprest Fund Cashier will not process an advance of funds request which has not been approved at the established level set forth in the General Provision guidelines (see Part II, Section 6-2.10.2 of MAOP). The Draft or Imprest Fund Cashier must maintain advance requests (SF-1038) for the current plus two previous years. (NOTE: Draft or Imprest Fund Cashier -- DO NOT FORWARD CASH IN THE MAIL. The Draft or Imprest Fund Cashier will be personally liable for the replacement of cash that's lost in the mail.) (See Part II, 6-3.2.)

6-2.10.4 Limitations

(1) The FTRs provide that an advance of funds must not be issued in excess of 80 percent of the minimum estimated expenses that the employee is expected to incur prior to reimbursement.

(2) If an employee has prior authority to rent a vehicle and the actual cost is known, the employee may be advanced the full cost of the rental vehicle. Absent knowledge of the actual cost, the advance of funds request will be limited to 80 percent of the minimum estimated expenses. A Government credit card holder cannot request an advance of funds in connection with the rental of a vehicle.

6-2.10.5 Liquidation

(1) Trip Advance Obtained From Travel Advance and Payment Unit, FBIHQ - This type of advance must be liquidated within five workdays of completing the trip or period of travel. If the planned travel is canceled or delayed for a prolonged period of time, the advance must be liquidated immediately.

(2) Deleted

(3) Transfer-Related Advances - The liquidation of homefinding, transfer, temporary quarters and/or household goods advance accounts are to be vouchered separately. An advance of funds issued for en route travel and homefinding travel must be liquidated within five workdays of completing the trip. An advance of funds for temporary quarters purposes must be liquidated within five workdays after each 30-day period has ended.

(NOTE: Cancellation of the transfer requires immediate liquidation of the advance account(s).) If a transfer is delayed or the employee's circumstances change after an advance(s) is issued, the advance should be liquidated immediately. If an employee has an outstanding transfer advance(s) and submits a real estate purchase voucher, absent receipt of transfer-related voucher(s) sufficient in amount to liquidate the outstanding advance(s), the real estate voucher will be applied toward the outstanding advance balance(s).)

(a) In the above situations, an advance(s) may be liquidated by submission of a voucher and/or personal check or money order made payable to the FBI. The issuing office is responsible for ensuring that employees transferred from the office or separated from service resolve any outstanding advance(s) prior to

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departure. If an employee is transferred and the advance was issued to assist the employee at the new official station, the issuing office should ensure these records are forwarded to the employee's new official duty station for appropriate follow-up. If an employee separating from service has an outstanding balance on his/her advance(s), it is required that a money order or cashier's check be submitted in lieu of a personal check for the balance. During the exit interview, the employee should be specifically asked if he/she has any unvouchered expenses. If so, a voucher should be obtained at that time.

(b) The Debt Collection Act of 1982 provides for the assessment of interest, penalties, and administrative costs concerning delinquent advances. These costs may be imposed as dictated by the situation.

(4) Trip Advance Obtained From Draft System or an Imprest Fund Account - An employee with this type of advance is responsible for liquidation by the fifth workday following the completion of the trip. The advance must be liquidated by submission of a travel voucher and/or personal check or money order to the Draft Approval Officer or Imprest Fund Cashier.

(a) If the employee's expenses exceed the dollar limitation for reimbursement from the Draft System or Imprest Fund Account, the SF-1012, travel voucher, should be forwarded to the Travel Advance and Payment Unit for processing and issuance of payment. Upon receipt of the travel reimbursement, the employee must immediately liquidate the advance received from the Draft System or Imprest Fund Account.

(5) Liquidation - If an advance of funds is obtained from the Travel Advance and Payment Unit, FBIHQ, it must be liquidated by submission of a voucher and/or personal check or money order to the Travel Advance and Payment Unit and cannot be liquidated either in part or full from the Draft System or Imprest Fund Account.

6-2.10.6 TDY Advance of Funds

An advance of funds may be issued to an employee for 80 percent of the anticipated amount of lodging, meals, and incidental expenses. If the employee has a government credit card, or if lodging will be paid by purchase order or gratis, the maximum allowable advance will be 80 percent of the M & IE rate for the TDY locality. An advance of funds will only be issued upon submission of a properly approved Advance of Funds Application (SF-1038) and a copy of the Travel Request Form (FD-540). Advance of funds for TDY assignments may be requested and obtained from the Travel Advance and Payment Unit, FBIHQ, Third Party Draft System, or Imprest Fund Account servicing the office.

(1) TRIP ADVANCE - Issued to an employee for anticipated financial obligations to be incurred in connection with a specific trip. This type of advance can be obtained from the office Draft System or Imprest Fund Account. If the amount requested is outside the prescribed limitations of the Draft System or Imprest Fund Account, the request must be forwarded to the Travel Advance and Payment Unit.

(2) Method of Request - An employee requiring an advance of funds for TDY must execute an original and one copy of an SF-1038. The SF-1038 and the Travel Request Form (FD-540) must be submitted to the supervisor for approval. Established approval levels are set forth in the General Provision guidelines (see Part 2, Section 6-2.10.2 of MAOP).

The copy of the SF-1038 is retained by the employee's division; with the original SF-1038 being forwarded for processing to the Draft Approval Officer or Imprest Fund Cashier for processing through the Draft System or Imprest Fund Account. If the amount requested is outside the prescribed limitations of the Draft System or Imprest Fund, the request must be forwarded to the Travel Advance and Payment Unit, FBIHQ, for processing and payment.

(3) AMOUNT LIMITATION

(a) TRAVEL ADVANCE AND PAYMENT UNIT, FBIHQ - The minimum amount that can be advanced by FBIHQ is \$300, and the maximum is \$3,500. The travel period for an advance request cannot exceed 30

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calendar days. A government credit card holder may request a trip advance of funds to cover the allowable M & IE for the travel period provided it is equal to or exceeds the \$300 minimum requirement.

(b) Imprest Fund Account - The maximum amount that can be advanced from the Imprest Fund is \$400. If the requirements of the exigency exceed the established criteria for issuing an advance from an Imprest Fund account, contact the Travel Advance and Payment Unit. Employees with a MasterCard may request a trip advance of funds to cover 80 percent of the allowable M & IE for the travel period.

(c) Draft System - The maximum amount that can be advanced from the Draft System is \$2,000. Employees with a MasterCard may request a trip advance of funds to cover 80 percent of the allowable M & IE for the travel period.

6-2.10.7 Transfer-related Advances of Funds

Advance of funds for transfer-related matters are issued to assist an employee with the transition from one official station to another. Transfer-related advances may be requested and issued only from the Travel Advance and Payment Unit, FBIHQ. Under no circumstances may a transfer-related advance be obtained from the Draft System or an Imprest Fund Account. Prior to any transfer advance being issued by the Travel Advance and Payment Unit, FBIHQ, it must be in receipt of a signed 3-34B wherein the employee agrees to remain in the service of the Government for at least 12 months from the effective date of the transfer.

(1) Types of Transfer Advances

(a) Homefinding

(b) Travel on Transfer

(c) Temporary Quarters

(d) Transportation and Storage of Household Goods by the Commuted Rate System

(e) Transportation and Emergency Storage of POV

(f) Transportation of Mobile Homes

(g) Advance of Pay for Employees Assigned to a Foreign Office (see Section 6-2.11)

The above-listed types of transfer advances are governed by the provisions of the FTRs. Advances cannot be authorized for miscellaneous expense allowance, residence transactions, or nontemporary storage of household goods.

(2) Method of Request

(a) Homefinding - Employee must execute an original and one copy of an SF-1038. It must be indicated in the remarks portion of the form that the request is for a homefinding trip, points of origin and destination, and if the trip is to be taken by employee and/or spouse. The request must be signed by the employee and the approving official as previously set forth in the General Provisions guidelines (see Section 6-2.10.2 of MAOP). The original is forwarded to the Travel Advance and Payment Unit, FBIHQ, and the copy is maintained for the office's records.

(b) Travel on Transfer and Temporary Quarters - A request for an advance of funds for travel on transfer and the first 30 days of temporary quarters may be forwarded with one communication. The employee must execute an original and a copy of an SF-1038 and FD-460. The original should be forwarded to the Travel Advance and Payment Unit, FBIHQ, and the copy retained for office records. The employee must execute a new SF-1038 and FD-460 for the second 30 days of temporary quarters (original and copy). The FD-460 must fully document the employee's justification for continued temporary quarters beyond the initial 30-day period. In both of the specified situations, both documents must be approved at the level previously set forth in the General Provisions guidelines.

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(c) Transportation and Storage of Household Goods by the Commuted Rate System - The Relocation Management Office, FBIHQ, evaluates the move requirements of each transferred employee and determines which employees are required to utilize this method for the transportation and storage of their household goods. Upon the Relocation Management Office's approval of this method, the employee may secure an advance of funds to defray the cost of transporting their household goods and anticipated storage not to exceed 90 days by executing an SF-1038 (original and copy) for the estimated amount of these costs. The original should be forwarded to the Travel Advance and Payment Unit, FBIHQ, and the copy retained for the office records. In the remarks portion of the SF-1038, the employee must include the points of origin and destination.

(d) All Other Transfer Advances Not Described Above - Contact the Travel Advance and Payment Unit, FBIHQ, for assistance.

(3) Amount Limitations

(a) Homefinding - Reimbursement is limited to the cost of one round trip for the employee and spouse for a maximum of ten calendar days. If separate trips are authorized for the employee and spouse, the cost of the two trips cannot exceed the cost if they had traveled together. Reimbursement is limited to per diem and rental of a vehicle, if authorized.

(b) Travel on Transfer - Limited to either a mileage allowance or travel by common carrier and per diem. If more than one POV is driven on the same dates, the mileage allowances are computed separately. Appropriate justification must be submitted and approved prior to making a request for the use of more than one POV.

(c) Temporary Quarters - Advance of funds cannot exceed 60 days and is limited to per diem only.

(d) Transportation and Storage of Household Goods by the Commuted Rate System - Reimbursement is limited to estimated cost of transportation by weight and a maximum of 90 days of storage.

6-2.11 Advance of Pay Policy and Guidelines for Employees Assigned to Foreign Areas

(1) Authority provided as amended by Section 2310 of the Foreign Service Act of 1980 (Public Law 96-465, dated 10/17/80), Title 5, USC, Section 5927, Executive Order 12292 and Chapter 850, State Department Regulations.

(2) These guidelines apply to all FBI employees who are assigned to foreign areas, including the Trust Territory of the Pacific Islands, situated outside the United States, the Commonwealth of Puerto Rico, and the possessions of the United States. Employees assigned to offices such as Guam, the Virgin Islands, etc., that are located in United States territories are not entitled to the advance of pay allowance.

(3) The advance of pay is based on the employee's basic compensation exclusive of all allowances, differentials, or other additional compensation at the time of the request.

(4) The employee's post or place of assignment is the official duty station regardless of whether the employee is detailed elsewhere or resides at another place with the authorization or approval of the head of the agency.

(5) The advance of pay up to 3 months must not exceed 6 biweekly pay periods.

6-2.11.1 Requesting an Advance of Pay

(1) An employee must submit a Request and Voucher for Advance of Pay Form DO-88 in a time-frame that will allow for payment through Electronic Funds Transfer (EFT). The request may be initiated upon receipt of travel orders, but, normally not more than 45 days prior to the employee's departure to, or not more than 60

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days after arrival at the overseas assignment. The request (original and three copies) must be signed by the employee who must include his/her, Social Security Number, and travel authorization number. A copy of the travel orders assigning the employee to a post in a foreign area will support the request. In cases where orders are not received 45 days prior to planned departure, the travel authorization number will be provided by the agency. The request will contain the following statement:

Repayment of this advance is to be made by payroll deductions. The full advance will be repaid in not more than 18 pay periods. I will maintain other voluntary deductions such as allotments in amounts so as not to delay repayment of this advance.

(2) Employees may elect a repayment schedule of less than 18 pay periods.

6-2.11.2 Calculation of Advance of Pay

Maximum advance of pay for which an employee is eligible is calculated on the basis of the employee's base biweekly salary minus mandatory deductions, provided repayment schedule can be met. Using the current earnings of two employees, the following data are examples of an advance of pay calculation:

Employee X Employee Y (in Dollars)(in Dollars)

(1) 80 hours' base pay (excludes differentials allowances and premium pay): \$1,100 \$1,100

(2) Less mandatory deductions (retirement, Federal income tax, life ins., etc.): -350 -350

(3) Net pay before allotments: 750 * 750 *

(4) Voluntary allotments on file: -100 -550

(5) Net pay: 650 200

*Ceiling of advance would be 6 multiplied by \$750, or \$4,500.

In above examples, ceiling for advance of pay for both employees would be based on 6 multiplied by line (3) (6 X \$750 = \$4,500). Employees may request an advance of less than ceiling. Repayment of total advance must be made in 18 pay periods or less. The following illustrative schedule shows advance and biweekly repayment an employee may consider, provided repayment schedules can be met.

Amount of Advance of Pay Repayment Biweekly Request Over 18 Pay Periods **

\$4,500 \$250 4,050 225 3,600 200 3,150 175 2,700 150 2,250 125 1,800 100 1,350 75

** Repayment may be scheduled in less than 18 pay periods.

In summary: Employee X could receive a maximum advance of \$4,500. Repayment over 18 pay periods would be at the rate of \$250 per pay period. (Employee X can easily support repayment from take-home pay (line (5)).)

In summary: Employee Y who maintained voluntary allotments of pay (line (4)) totaling \$550 may not request an advance that would exceed repayment ability of \$200 per pay period (line (5)). Schedule above shows advance of \$3,600 carries repayment schedule of \$200 biweekly over 18 pay periods, which would be ceiling employee Y could request. However, if employee Y elects to reduce voluntary allotments, a higher advance could be requested up to ceiling of \$4,500 (same as employee X).

6-2.11.3 Processing an Advance of Pay Request

(1) Employees transferring from assignment in the domestic United States to a post in a foreign area must forward request with required documentation to:

Room 1885, JEH Building Payroll Administration and Processing Unit Accounting Section Finance Division

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(2) The Payroll Administration and Processing Unit (PAPU) and International Operations Section personnel examine documents to verify completeness and correctness of data in the request including computation of amount to be advanced, payback, and accounting data. Upon completion of verification process, the request document will be certified for payment by the PAPU's Authorized Certifying Officer.

6-2.11.4 Requesting Advance Prior to Liquidating a Current Advance of Pay

An employee who has an outstanding balance from a prior advance of pay may be issued a new advance when, upon arrival at the new post in a foreign area, the employee is reassigned to another post in a foreign area before full repayment of a previous advance of pay. The total unpaid balance plus the new advance may not exceed 6 pay periods.

6-2.11.5 Collecting Advance of Pay

(1) Advance of pay is collected by biweekly deductions from an employee's salary. The deductions from salary will begin on the payday that falls during the second full pay period following the pay period in which the advance is issued. There shall always be one full pay period between the pay period in which the advance is issued and the pay period in which the first deduction occurs. In no case will the deduction begin earlier than 24 days from the date the advance was issued.

(2) Deductions from an employee's salary for advance of pay are credited to the advance pay account appropriation along with any required Fiscal Control and Reporting.

(3) In accordance with the order of precedence for payroll deductions prescribed by the General Accounting Office, advance of pay is considered to be an indebtedness due the United States and deductions therefore precede other voluntary deductions, including allotments and assignments of pay.

(4) Should an assignment to a post in a foreign area be canceled at the convenience of the agency, the employee may repay the advance in the normal repayment schedule.

(5) Should an assignment to a post in a foreign area be canceled at the convenience of the employee, the outstanding balance shall be repaid in full immediately.

6-2.11.6 Transfer of Pay Authority

Upon transfer of authority to pay, the losing Payroll Office reconciles the account balance and assures that the reconciled balance to be collected is included, and identified, on the authority being transferred as well as the biweekly deduction amount. The gaining Payroll Office is responsible for continuing the deductions.

6-2.11.7 Discrepancies in Advance of Pay Account

Any inquiries concerning a discrepancy in collection or account balance should be directed to the Payroll Preparation Subunit, Payroll Administration and Processing Unit, Accounting Section, Finance Division.

6-2.11.8 Collecting Advance Pay Under Default

(1) In the event of default by the employee, uncollected balance of advance pay is subject to provisions of the Federal Claims Collection Act which gives the FBI responsibility for collection of claims of the United States for money arising out of its activities. Such collection action may include offset against accrued pay, amount of retirement credit, or other amount due the employee from the Government or such other method as is provided by law.

(2) The Treasury Fiscal Requirements Manual provides for the assessment of interest and/or charge for late payment where repayment is not made in accordance with terms of the arrangement.

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6-2.12 "Last Move Home" for Senior Executive Service (SES) Career Appointees

Certain entitlements are available under the "Last Move Home" program for SES career appointees upon separation from federal service for retirement.

(1) SES career appointees, upon separation for retirement from government service, are eligible for travel and transportation allowances and to ship their household goods (HHGs) from the official station where separation of the career appointee occurs to the place he/she will reside upon separation for retirement as selected by the employee.

(2) The place of retirement may be located in the United States or its territories and possessions, the Commonwealth of Puerto Rico or the former Canal Zone area. (See (9) (a) & (b).)

(3) Eligibility criteria:

(a) The SES career appointee must have been transferred or reassigned geographically in the interest of the government and at government expense from one official station to another for permanent duty as a career appointee in the SES at any time during or after the five-year period immediately preceding the date of eligibility for retirement, including an appointment in a civil service position outside the SES (e.g., a GS-15 position) to an SES career appointment.

(b) Is separated from federal service on or after November 20, 1988.

(c) Is eligible to receive an annuity, for retirement, upon separation under applicable provisions of subchapter III, Civil Service Retirement System (CSRS), chapter 83 or subchapter II, Federal Employees' Retirement System (FERS), chapter 84 of Title 5, USC; and has not previously been authorized "Last Move Home" benefits upon separation from federal service for retirement.

(4) Travel advances will not be issued to cover any of the expenses authorized herein. Transportation expenses should be paid through the use of U.S. Government Bill of Lading for household goods (HHGs) and U.S. Government Transportation Request for travel costs to the maximum extent possible to minimize travel and transportation costs and the need for individuals to use personal funds. However, individuals who have been authorized or approved to make their own travel arrangements may be reimbursed for their actual travel expenses not to exceed applicable coach air fares of the individual and immediate family.

(5) The "Last Move Home" benefits are designed to only reimburse an employee for the expenses the employee would have to incur personally to move home. Benefits ARE NOT available to an employee who does not personally incur moving expenses; i.e., a new civilian employer or third party underwrites the employee's move.

(6) Agency approval required: SES employees eligible for moving expenses shall submit a request to the Travel Advance and Payment Unit, Accounting Section, Room 1396. Such requests shall be submitted so as to arrive at FBIHQ at least 30 days prior to retirement or move date, whichever is later.

(7) Allowable expenses:

(a) Transportation and temporary storage of HHGs under 41, C.F.R., Part 302-8, not to exceed 18,000 pounds net weight.

(b) Travel expenses, including per diem, under 41, C.F.R., Part 302-2.1 for the employee.

(c) Transportation expenses under 41, C.F.R., Part 302-2.2(a), but not per diem, for the employee's immediate family.

(d) A mileage allowance to the extent travel is performed by privately owned automobile.

(8) Expenses not allowable:

(a) Per diem for immediate family.

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- (b) Cost of househunting trips.
- (c) Subsistence while occupying temporary quarters.
- (d) Miscellaneous expense allowance.
- (e) Residence sale and purchase expenses.
- (f) Lease-breaking expenses.
- (g) Relocation services.
- (9) Origin and destination:
 - (a) Shipment of HHGs may be paid from the official station where separation occurs to the place where the employee has elected to reside within the limitations set forth in subparagraph (2) above.
 - (b) In the event the employee dies before the travel, transportation, and moving are completed, expenses may be paid to the place selected by the immediate family, within the limitations set forth in subparagraph (2) above, even if different than the place elected by the employee.
 - (c) Travel and transportation expenses may be paid from an alternate origin or more than one origin, provided the cost does not exceed the cost that the government would have paid if all travel and transportation had originated at the official station from which the employee was separated to the place where the employee, or the immediate family, will reside.
 - (d) Expenses authorized by this regulation may not be paid for a move within the same general or metropolitan area in which the official station or residence was located at the time of separation for retirement. The regulation contemplates a move to a different geographical area. In the event the place the individual has elected to reside is within the same or general location or metropolitan area in which the official station or residence was located, the expenses authorized by regulations may not be paid unless the mileage criteria specified in paragraph 302-1.7 of the Federal Travel Regulations for short-distance transfers are met. (Paragraph 302-1.7 states: "When the change of official station involves a short distance (at least ten miles between stations) within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his/her residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. Such determination shall take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his/her old and new posts of duty as well as the commuting time and distance between a proposed new residence and the new post of duty. Ordinarily, a relocation of residence shall not be considered as incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least ten miles greater than from the old official station. Even then, circumstances surrounding a particular case (e.g., relative commuting time) may suggest that a move of residence was not incident to the change of official station.")
- (10) Time limits for beginning travel and transportation:
 - (a) All travel, including that for the separated employee, and transportation, including that for HHGs allowed under this regulation, must begin no later than six months from the date of the employee's separation; or
 - (b) Within a reasonable period of time as justified by requests for extensions authorized by FBIHQ, but in no case later than two (2) years from the effective date of separation.
 - (c) If additional time is required to complete SES Last Move Home travel, the employee must submit a written request to the Travel Advance and Payment Unit, Accounting Section, Room 1396, not later than 30 days from the end of the six-month period, setting forth the circumstances that have precluded him/her from completing the travel and the length of time needed to complete the travel. Reasons for delay may include,

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but are not limited to, children's completion of school year, unable to sell current residence (must document effort), serious illness or death of an immediate family member, Act of God. Request for delayed travel because of outside employment will not be approved.

6-2.13 Property Management Services (See MAOP, Part 2, 6-1.3, 6-2, and Legal Attache Manual, Part 1, 5-4.12.)

Property Management Services are programs provided by private companies for a fee, which help an employee to manage his/her residence at the old duty station as a rental property. These services typically include, but are not limited to, obtaining a tenant, negotiating the lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from the rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee. Property Management Services do not include reimbursement for the cost of maintenance/repair work performed on the residence or emergency repairs, negative cash flow as a result of insufficient rental income or lack of rental income to meet mortgage or other expenses, legal or other related expenses that may be required to enforce the terms of the lease or Property Management Services agreement, and loss of funds due to fraud or misrepresentation by the Property Management Services firm.

(1) The Property Management Services firm will generally provide two separate quotes for Property Management Services. The first represents the amount charged for finding a tenant and negotiating the lease. This cost usually ranges from 50 to 100 percent of the monthly rental income. The second quote is the amount the firm charges on a monthly basis for collecting the rent and paying the mortgage. The cost for this service is also based on a percentage of the rental income and generally ranges between seven and ten percent of the monthly rent.

(2) Employees may select a vendor of his/her choice, provided the amount charged by the vendor does not exceed the rates set forth in the preceding paragraph for such services.

(a) Requests to utilize a vendor that charges amounts in excess of the customary fees must be submitted to the Travel Advance and Payment Unit (TAPU), Accounting Section, Room 1396 for prior approval. The requests must include at least three other quotes for Property Management Services from local vendors and the reason(s) for the selection of that particular vendor.

(3) Employees may not select relatives or friends to provide Property Management Service if they are not in the relocation business.

6-2.13.1 Covered Employees

Eligible employees electing reimbursement of Property Management Services must procure this service directly with a private company and claim reimbursement through submission of an SF-1012, Travel Voucher.

(1) Employees transferred to a foreign post or authorized a temporary change of station are eligible for reimbursement of Property Management Services to help relieve the costs of maintaining a home at the old duty station while assigned to a foreign post or an extended temporary duty assignment. Property Management Services are available to employees for the duration of the assignment. Employees must report for duty at a foreign post on or after March 22, 1997 to be eligible for reimbursement of Property Management Services.

(a) There are no real estate entitlements in connection with a transfer to a foreign post or a temporary change of station. If an employee sells his/her residence in lieu of the authorized Property Management Services, the cost of selling the residence becomes an out-of-pocket expense.

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(2) Employees transferred within the United States (including territories and possessions) may elect reimbursement of Property Management Services IN LIEU of real estate selling expenses. Reimbursement of Property Management Services in connection with a transfer within the U.S. is authorized for a period not to exceed two years from the effective date of the employee's transfer. An extension of the two-year period can only be authorized if the employee satisfies the conditions for requesting an extension of real estate entitlement. In the absence of an approved extension, reimbursement of Property Management Services will cease on the second anniversary of the employee's arrival at the new duty station. This option is available to employees who reported for duty at the new duty station on or after May 28, 1999.

6-2.13.2 Eligibility Criteria

- (1) Property Management Services may not be authorized until the employee has signed the 12-month service agreement.
- (2) The residence for which reimbursement of Property Management Services is requested must be the residence at the old duty station from which the employee commuted to and from work on a daily basis.
- (3) The title to the residence must be in the name of the employee and/or a member of the immediate family. If the title is shared with an individual who is not a member of the immediate family, reimbursement of Property Management Services will be on a pro rata basis.
- (4) New appointees are not eligible for reimbursement of Property Management Services.

6-2.13.3 Transfer from a Foreign Post

- (1) Employees returning from an overseas assignment to a different duty station than the one from which they left when transferred to the foreign post have the option of continuing with Property Management Services for a period not to exceed two years or selling the residence and claiming reimbursement of applicable selling expenses.
 - (a) Expenses associated with the sale of a residence prior to receipt of transfer orders transferring the employee back to a different duty station are not reimbursable.
- (2) Employees who are transferred back to the old duty station from which they left when transferred to the foreign post are no longer eligible for reimbursement of Property Management Services. The employee is expected to reoccupy his/her old residence when transferred back to the old duty station. There are no real estate entitlements when an employee is transferred back to the old duty station.
- (3) Property Management Services will also cease for employees returning to the U.S. for separation purposes.

6-2.13.4 Sale of Residence after Election of Property Management Services

- (1) If an employee decides at a later date that he/she would like to sell the residence for which reimbursement of Property Management Services has been authorized, a written request must be submitted to the TAPU, Room 1396, requesting authority to change his/her election of Property Management Services to real estate selling expenses and the reason(s) why. A change of election is only applicable in connection with transfers within the U.S. and for employees returning from an overseas assignment to a different duty station.
 - (a) Please note that a change in marital status (from the date of the transfer letter until the house is actually sold) could impact upon the employee's real estate entitlement.
- (2) If approved, the employee will be required to repay all costs reimbursed or paid on his/her behalf for Property Management Services. The employee will be required to repay all costs before he/she will be authorized participation in the Guaranteed Homesale Program. If the employee submits a claim for direct

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reimbursement (submission of an SF-1012, Travel Voucher) of selling expenses, the cost paid for Property Management Services will be deducted from that payment.

(3) The three-year time limitation imposed on real estate transaction expenses runs concurrently with the election of Property Management Services.

6-2.13.5 Reimbursement for Property Management Services

All claims for reimbursement of Property Management Services must be claimed on an SF-1012, Travel Voucher, and forwarded to TAPU, Room 1396, for processing and issuance of payment.

(1) The amount charged by the Property Management Services Firm for finding a tenant and negotiating the lease may be claimed immediately after payment has been made, supported by a copy of the paid receipt, a copy of the Property Management Services agreement between the firm and the employee, and a copy of the lease agreement between the tenant and the employee.

(2) The fee charged by the firm for the collection of rent, etc., must be vouchered in arrears, but no more frequently than quarterly, supported by a copy of the paid receipt(s) showing the period covered.

(3) The reimbursement for Property Management Services is taxable income, subject to the applicable income tax withholdings.

6-3 DRAFT SYSTEM AND CASH FUND OPERATIONS (See MAOP, Part 2, 6-7.1.6, 6-9.)

The Department of Justice and its bureaus have been granted authority by the U.S. Department of Treasury to use drafts as an alternative payment mechanism for Imprest Fund (IF) transactions. The FBI was also granted approval to use the draft system to replace Field Support Accounts (FSA) for confidential expenditures that are necessary to support investigative activity (See CONFIDENTIAL FUNDING GUIDE). A petty cash fund may be requested to supplement field office draft system operations. In the limited sites where the draft system is not available, one IF account may be used to make payments for small purchases, or the government purchase card may be used (see 6-5.1 (1)). Except as noted herein, all policy and regulations governing the payment of advances and expenses through the draft system apply to the use of cash funds.

(1) The draft system and cash funds shall not be used to avoid obtaining necessary procurement authority or to circumvent accepted procurement standards that require the issuance of an FD-369 Requisition for Supplies and/or Equipment. (See 6-3.6). All claims must be in accordance with regulations and limits established within MAOP, TREASURY FISCAL REQUIREMENTS MANUAL, MANUAL OF PROCEDURES AND INSTRUCTIONS FOR CASHIERS, FEDERAL TRAVEL REGULATIONS (FTRs), and the CONFIDENTIAL FUNDING GUIDE.

(2) Detailed information regarding the operation of the Third Party Draft (TPD) System can be referred to in the TPD SYSTEM TRAINING GUIDE AND USERS MANUAL (maintained in the TPD Office).

6-3.1 Definition and Purpose

(1) **DRAFT SYSTEM** - The Third Party Draft System is an automated check writing system that has been designed as an integrated function within the Financial Management System to replace cash Imprest Funds (IFs) and FSAs with drafts issued by field offices to pay local vendors for small purchases and to reimburse employees for necessary expenses incurred during the performance of official business. Drafts are similar to checks in that they represent a promise and a legal obligation to pay the stated amount to the named payee. The draft system is operated by a minimum of a draft approval officer and a draft cashier in each draft location. More than one employee may be required for each position, depending upon the volume of activity. These employees work together to review and process all financial transactions that are acceptable to the draft system.

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(2) PETTY CASH FUND - A small cash fund maintained by the draft cashier on an imprest basis TO SUPPLEMENT draft system operations. The amount of the authorized balance of a petty cash fund shall not exceed 100 percent of the average monthly transactions or \$10,000, whichever is less. Petty cash funds shall only be used to make payments for small amounts or to respond to emergency type payments when it is not feasible or possible to issue a draft. The petty cash fund SHALL NOT be used to pay amounts in excess of \$25 unless exigent circumstances exist wherein an immediate need for cash is present and it is not feasible or possible to issue a draft.

(a) EMERGENCY FUND - A cash fund managed in addition to the petty cash fund to pay for emergency confidential expenditures required to serve the immediate needs of an investigation; or to respond to other emergencies of the field office when it is not feasible or possible to issue a draft. For appropriate procedures and guidelines concerning the use of emergency funds, refer to the CONFIDENTIAL FUNDING GUIDE.

(b) PERMANENT CASE ADVANCES - Funds maintained on an imprest basis and funded through the draft system for SOG, Group II Undercover, Task Force operations, etc.

(3) IF ACCOUNT - A fixed cash fund advanced to an authorized cashier to make payments for purchases in small amounts to eliminate as much paperwork as possible in procuring necessary articles and services. This is accomplished by paying for numerous small purchases in cash or by money order documented by proper receipts and submitting them in a reimbursement voucher to the Travel Advance and Payment Unit, FBIHQ, for replenishment on the account. Also payable from this account are employees' monthly travel vouchers up to \$1,000. IF accounts shall only be authorized in locations where the draft system is not available. (See 6-3.6.)

6-3.2 Safekeeping of Funds (Formerly 6-3.3.)

(1) Funds are to be kept in a cash box, equipped with two keys. Funds should be stored in a relatively nonmovable safe or storage facility with a three-position-dial combination feature. Form FD-913, titled "Access Log - Safes and Storage Facilities Containing Cash and Valuables," is to be used to document those individuals having access to funds stored in a safe or storage facility. The combination and duplicate key to the fund must be placed in a sealed, signed, and dated envelope and placed in the safe of the Special Agent in Charge (SAC). Cash boxes must be kept locked at all times and combinations changed at least annually or whenever there is a change in cashiers or the combination has been compromised. A separate cash box must be maintained for each cashier. Cashiers are NOT to operate from the same cash box under any circumstances. Cash should not be stored in: (1) file cabinets with key locks, (2) employee's desk drawer, or (3) deposited in financial institutions.

(2) While acting as a cashier, the employee is personally liable (legally responsible) for funds in their possession. This liability for the cash should serve as the necessary incentive to ensure that the funds are adequately protected at all times. The cashier must maintain exclusive control of the fund. Sending money through the mail is in violation of the cashier's exclusive control and may result in administrative action.

(3) Cashiers may not at any time (even for a short period of time):

(a) Mail official funds. (See 6-2.10.3.)

(b) Loan official funds.

(c) Commingle official funds with personal funds.

(d) Deposit official funds in financial institutions.

(4) Losses due to a cashier's negligence or misappropriation of funds will be required to be immediately restored by the cashier in the full amount from personal funds. Shortages resulting from theft or robbery will be restored from the Bureau's appropriation, pending receipt of appropriate reports from the field office.

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Overages or shortages should be reported immediately to FBIHQ, Attention: Travel Advance and Payment Unit. Every effort must be made to resolve the discrepancy as expeditiously as possible.

6-3.2.1 Safekeeping of Drafts

Drafts and signature cards are to be kept locked in a fireproof safe or vault at all times except when needed to print drafts. The office space must be secured during nonworking hours. It is suggested that a half-door, service counter or cashier's window be provided to prevent unauthorized personnel from entering work space locations at any time. Drafts must be secured at all times to safeguard against theft, loss, or misuse. The combination to the safe or vault should be changed whenever there is a change in cashiers or approval officers, upon evidence of possible compromise, or at least annually.

6-3.3 Delegation of Draft Approval Officer(s)

(1) The SAC will assign an employee to serve as draft approval officer. The duties and responsibilities of the draft approval officer include verifying the existence, propriety, legality, and accuracy of facts stated on each invoice or voucher presented for payment; reviewing available funds file to ensure sufficient funding is available; approving each request for payment by draft; and reviewing and approving transaction listings prepared by the cashier to ensure all disbursements have been properly authorized. Larger offices may require delegation of more than one employee to serve as draft approval officer.

(2) When the draft approval officer leaves his/her position or delegation is withdrawn, the SAC must immediately notify the Draft Administrator, Commercial Payments Unit, FBIHQ, of the pending transfer as well as the name of the person delegated as his/her replacement. A standard request for delegation is presented in "The Draft System User Guide." FBIHQ will provide a written delegation naming the requested person as the new draft approval officer. The authority delegated to the newly appointed draft approval officer may not be redelegated. The formal delegation process provides evidence of the approval officer's fiscal responsibilities and accountability to the Bureau. The draft account manager will establish a password, operator code number, and buyer information in the Financial Management System at the time authority is delegated to each approval officer.

6-3.3.1 Designation of Cashiers (Formerly 6-3.4.) (See also 6-3.8.)

(1) Draft Cashier - The SAC will assign an employee to serve as draft cashier. One or more employees may be assigned as the draft cashier or alternate cashier depending upon the activity and needs of the office. The cashier makes disbursements from the petty cash fund; prepares replenishment vouchers; reviews documentation submitted with the FD-794 (Draft Request Form) for accuracy, completeness, and necessary approvals; ensures delinquent advances are liquidated at the time vouchers or invoices are presented for payment; and enters pertinent data into the Financial Management System (FMS) to produce drafts.

(a) When the draft cashier leaves his/her position or the designation is withdrawn, the draft approval officer must immediately notify the draft account manager, Commercial Payments Unit, FBIHQ. The draft account manager will notify the draft contracting bank of the pending transfer and request the previous designation be rescinded. The request to designate a new cashier must include signature cards for the newly appointed employee. The draft account manager will establish passwords and operator codes in the FMS at the time each cashier is designated. Only designated draft cashiers and alternate cashiers may sign drafts. The signature appearing on the draft is subject to comparison with signature cards on file. If the signature appearing on a draft does not match the signature card, payment of the draft will be refused. Therefore it is important that this position be kept filled at all times.

(2) Imprest Fund (IF) Cashier - Any clerical employee may be designated as either the principal cashier or alternate cashier of an IF account upon obtaining written approval from FBIHQ. Only one person may occupy the position of principal cashier at any given time. One or more employees may be designated as alternate cashier, depending upon the needs of the office. The principal cashier in the performance of

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his/her duties is responsible for making disbursements from the fund in accordance with regulations, preparing reimbursement vouchers to replenish the fund, and is accountable for the custody of, and payments made from the fund. In the absence of the cashier or when the volume of work is great, an alternate cashier assumes the duties of the cashier.

(a) Written notification of pending transfers or resignations of IF cashiers (principal or alternate) should be promptly forwarded to the Travel Advance and Payment Unit, FBIHQ, together with the name of the employee to be designated as his/her replacement. The designated cashier is not to act in that capacity until advised by FBIHQ of the approval.

6-3.4 Advances to Alternate Cashier (Formerly 6-3.7.)

When the services of an alternate cashier are necessary, a cash advance may be made to him/her in order to facilitate the operational requirements of the office. A separate cash box is required for each cashier. The alternate cashier will execute a signed memorandum receipt (SF-1165) for these funds. The SF-1165 shall be retained by the cashier as evidence of the transaction until the funds are accounted for by the return of cash and/or receipts and vouchers. The alternate cashier shall return all receipts and/or vouchers paid by him/her to the cashier no less frequently than at the close of each business week. The cashier will replenish the alternate's cash advance in the amount of the receipts and/or vouchers. The alternate cashier will sign another SF-1165 acknowledging receipt of the funds. The alternate cashier is personally liable (legally responsible) for funds advanced to him/her.

6-3.5 Operation of Draft System and Imprest and Petty Cash Funds

6-3.5.1 Forms

(1) FD-659 - This form is used as a reimbursement voucher, supported by receipts and/or vouchers, to request replenishment of the petty cash fund or Imprest Fund (IF) account; or as an accountability report to account for the fund at the end of the month. A separate FD-659 Reimbursement Voucher must be submitted for each type of disbursement paid from the petty cash fund or IF account, i.e., one for commercial-type receipts and one for employees' monthly travel vouchers. In preparing the reimbursement voucher, an original and two copies must be submitted, with the original containing the original signature of the cashier and the SAC or, in his/her absence, the Assistant Special Agent in Charge (ASAC). (See 6-3.8.3.)

(2) FD-794 or FD-794a - These forms are required in connection with all requests to procure commercial-type expenditures. They are used by an employee to request an advance to make a purchase and again to document the purchase after the transaction has been completed. It is also required to request payment of an invoice directly to a commercial vendor. EACH request for disbursement is to be affixed to an FD-794 or FD-794a regardless of the amount. The FD-794 and FD-794a contain descriptive fields to identify the employee submitting the request, SSAN, vendor information, items purchased, amount of each item, approval signature(s), draft number, and the date paid.

(a) When an employee requests a cash advance to make a purchase, a copy of the FD-794 or FD-794a is retained in the interim receipt file until the employee returns with cash, receipt or invoice, or a combination of both. Purchases for which cash have been entrusted to the employee should generally be completed within 24 hours; at a maximum within five calendar days.

(3) SF-1038 - This form is used to request an advance for anticipated travel expenses in connection with a temporary duty assignment (TDY) and relocation travel. However, only advances up to the prescribed limitation for TDY travel may be processed through the draft system or IF account. Requests in excess of the prescribed limitation for TDY travel and ALL requests for advances for relocation travel, regardless of the

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amount, must be submitted to the Travel Advance and Payment Unit, FBIHQ. For appropriate policy and procedures concerning advance of funds, refer to Part 2, 6-2.10 of this manual.

(4) FD-540 - This form is used to authorize official travel and to estimate the cost of intended travel for budget control purposes. All travel must be authorized by an official occupying a higher level position than the traveler. The authorizing official must sign the FD-540 with his/her complete Bureau name; initials will not suffice. In general, the official who signs the FD-540 authorizing the travel, should also sign the SF-1012, travel voucher, approving the travel reimbursement.

(5) DRAFT - A payment mechanism by which vendors and employees are reimbursed for services and necessary expenses incurred during the performance of official business. A draft is similar to a check in that it represents a promise and legal obligation to pay the stated amount to the named payee.

(6) TRANSACTION LISTING - An on-line report that is generated simultaneously when drafts are printed. The transaction listing provides detailed information about each transaction entered into the control group. After the draft approval officer signs the transaction listing verifying that all disbursements have been properly authorized, the transaction listing is used as a cover sheet for forwarding the invoices and/or vouchers and supporting documentation to FBIHQ for final review.

(7) FD-301 - An approved form used to document the semiannual audit of the cash funds.

(8) SF-1165 - This form is an interim receipt for cash. It is utilized when a cash advance is made to the alternate cashier. The alternate cashier will execute a signed SF-1165 for these funds. This receipt shall be retained by the cashier as evidence of the transaction until the funds are accounted for by the return of cash and/or receipts and vouchers.

(9) FD-917 - An approved form used to document the monthly unannounced cash counts.

6-3.5.2 Revised and Moved to 6-3.7

6-3.5.3 Revised and Moved to 6-3.6

6-3.6 Regulations Governing the Use of the Draft System and Imprest and Petty Cash Funds (Formerly 6-3.5.3.) (See also MAOP, Part 2, 6-3 & 6-7.1.6; MIOG, Part 2, 12-13.2.)

(1) The draft system and Imprest Fund (IF) accounts are designed to make routine payments to local vendors for incidental goods and services and to reimburse employees for necessary expenses incurred during the performance of official business. The draft system and IF accounts are not intended to circumvent generally accepted procurement regulations that require the issuance of a purchase order. All rules and regulations governing the payment of advances and expenses through the draft system apply to the use of an IF account or petty cash fund with the following exceptions. (See (4).)

(a) The dollar limitation for transactions processed through an IF account is \$500 for small purchases (commercial-type expenditures) and \$2,500 for employees' monthly travel vouchers. (See 6-3.1.)

(b) The petty cash fund shall be used only to make payments in amounts less than \$1 or for small amounts when it is not feasible to issue a draft or use a government purchase card.

(c) The petty cash fund shall not be used to pay amounts in excess of \$25 unless exigent circumstances exist wherein it is not feasible or possible to issue a draft. Such circumstances include an immediate need for cash, such as payment of a C.O.D. where the recipient will not accept a draft or in emergency situations when the draft system is not available to process the payment.

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(d) The petty cash fund or IF account shall not be used to make change or to cash checks or drafts under any circumstances; nor shall funds be commingled with personal funds.

(2) Authorized purchases shall be generally confined to requirements for immediate use. Stock purchases should be ordered through the normal ordering channels using the FD-218 requisition request except in case of an emergency. Mere convenience will not justify such purchases from the draft system or the government purchase card.

(3) Procurement authority is required for all purchase of any one requirement in excess of \$500, except monthly travel vouchers, utility bills, and gasoline invoices. The FD-794 or FD-794a form shall include all pertinent information and approvals and shall not exceed \$2,500 except for utility bills and gasoline bills. If it is necessary to exceed the \$2,500 threshold for any commercial payments, approval must be obtained from the Policy, Training, and Automation Unit (PTAU) of PPMS. If approval is obtained, it must be noted on the FD-794 or FD-794a. All covert purchases processed through the Draft System over \$500 only require the FD-794 with the authorized procurement authority; no additional approval forms are required.

(a) No procurement or payment in excess of \$2,500 is authorized unless the approval in (3) above is obtained. A requirement in excess of \$2,500 must have a purchase order issued unless there is an extenuating circumstance. (See MAOP, Part 2, 6-5.1 and 6-7.1.6.)

(4) Drafts shall not be issued to pay for articles or services for which contracts or purchase orders exist, nor for payment of purchases processed under the government purchase card. (See (1).)

(5) Multiple payments may not be issued to circumvent a payment limitation. Circumvention of payment limitations may result in administrative sanctions.

(6) All items submitted for payment must be supported by one of the following: (1) an original invoice; (2) a sales slip; or (3) a cash register receipt. All receipts MUST conform to the following:

(a) Articles or services purchased must be itemized on the receipt. Sufficient details as to the nature of the articles or services acquired must be indicated on the FD-794 or FD-794a Draft Request forms to facilitate proper classification of the expenditure for accounting purposes. Each invoice or receipt should be accounted for as a separate transaction.

(b) A copy of the draft or money order must be attached to the invoice in lieu of the vendor's signature.

(c) All commercial expenditures in excess of \$50 must be reviewed and approved by the supervisor and/or supply technician as a necessary operational expense. The approving official(s) must sign his/her full name on the FD-794 or FD-794a Draft Request forms indicating approval of the purchase prior to requesting reimbursement from the draft system.

(d) The draft approval officer/cashier should indicate on each receipt the date it was received and the date payment was made from the draft system or IF account. In accordance with the Prompt Payment Act, an invoice must be paid within 30 days from the date the invoice is first received in the field office. If a draft has not been issued within 30 days of receipt, the invoice must be forwarded to the Commercial Payments Unit, FBIHQ, for processing. An explanation must be furnished with all invoices submitted to FBIHQ for payment that are more than 30 days old, as to the circumstances that precluded payment from the draft system or IF account.

1. Invoices that reflect late charges or interest penalties SHALL NOT be processed through the draft system or IF account. These invoices must be forwarded to the Commercial Payments Unit, FBIHQ, for processing.

(e) Articles subject to inventory must be appropriately recorded.

(7) Monthly travel vouchers (except vouchers covering expenses incurred during an undercover operation and vouchers to liquidate advances issued by FBIHQ) up to \$2,500 should be processed for payment through the draft system. All vouchers appropriate for payment through the draft system are to be paid in

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this manner and not submitted to FBIHQ for processing. Vouchers are to be submitted within five workdays upon completion of the trip unless the employee is in a continuous travel status, then once every 30 days. For policy and procedures governing TDY travel, refer to Part 2, Section 6-1 of this manual. (See 6-3.7.)

(a) Travel vouchers for non-Bureau travelers should indicate the words "NON-BUREAU" on item 5a of the SF-1012, travel voucher, beside the person's name to identify him/her as being a non-Bureau employee. Since non-Bureau travelers are not familiar with regulations and policy established by FBIHQ and the FTRs, all expenses should be closely reviewed to ensure claims are proper for payment because any overpayment will be difficult to recover. All claims for non-Bureau travelers must be approved by the SAC or Section Chief having supervisory responsibility for the employee.

(8) Examples of approved types of expenditure that may be paid, but such payments are not limited to the examples provided: Small purchases of goods or service; postage stamps; transportation by common carrier and by taxi when the cost is \$75 or less; parcel post; repairs to equipment and vehicles; training fees, registration fees, credit reports; transcripts, rental of equipment; rental of space; supplies and materials, laundry and dry cleaning; local and long-distance calls; public parking; newspaper subscriptions; post office box rentals; utility bills; travel advances; and monthly travel vouchers in the amount of \$2,500 or less.

(a) Payment for long-distance calls are to be held to an absolute minimum; employees making long-distance calls to their headquarters city are to be instructed to reverse the charges. Receipts for long-distance calls are to show whether they were made in connection with official business or one of the personal calls allowed in connection with official travel; the points between which service was rendered, date of service, and charge for each call.

(b) Employees may be reimbursed for the purchase of plain offset business cards when procured through the Seattle Lighthouse for the Blind. The only employees authorized to obtain business cards with the gold foil-stamped seal are the ADICs, SACs, Associate SACs, Legats, and Section Chiefs and above at FBIHQ. Expenses incurred for the purchase of business cards, regardless of the circumstances, from any other vendor must be borne by the employee. (See MAOP, Part 1, 1-3.5.)

1. Employees who wish to upgrade to the gold foil-stamped seal may do so by placing individual orders and paying for the cards using personal funds. Employees who upgrade may claim reimbursement for an amount equal to the cost of the one-sided plain offset printed business cards, supported by a copy of the invoice.

(9) Items that may not be paid: personal services; seasonal cards and decorations; parking tickets; COD charges; all transportation charges for international and household goods shipments; prepaid express or transportation charges in excess of \$100; fees for registered checks; salaries or wages; employee's monthly travel vouchers in excess of the prescribed limit; travel vouchers relating to transfer travel and homefinding trips; travel vouchers wherein the advance was obtained from FBIHQ; transportation of articles by common carrier where a bill of lading should ordinarily be utilized; or items subject to regulatory or statutory restrictions.

6-3.6.1 Submission of Draft Transactions to FBIHQ

At a minimum, transaction listings must be sent to FBIHQ on a weekly basis. When submitting draft transactions to FBIHQ, they should be separated by the individual paying entities, and between advance and expense transactions. Drafts for commercial expenditures should be submitted to the Commercial Payments Unit, and drafts issued for travel expenses should be submitted to the Travel Advance and Payment Unit, FBIHQ.

(1) ADVANCES - The following documentation must be submitted to FBIHQ in connection with an advance issued from the draft system: (1) summary report of the transaction listing; (2) the transaction listing signed by the draft approval officer; (3) calculator tape showing the amount of each advance -- stapled in the upper

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right-hand corner of the transaction listing; (4) yellow copy of each draft processed in the control group; and (5) the FD-794 Draft Request form requesting the advance.

(2) EXPENSES - The following documentation is required for expenses processed through the draft system: (1) summary report of transaction listing; (2) the transaction listing signed by the draft approval officer; (3) calculator tape showing the amount of each expense -- stapled in the upper right-hand corner of the transaction listing; (4) yellow copy of the draft (if draft is issued); and (5) original documentation to support each transaction processed in the control group, i.e., original receipts, FD-794 Draft Request form, FD-540 Travel Request form, or SF-1012 Travel Voucher.

(3) REFUNDS - Checks or money orders issued to return overpayments or liquidate an advance of funds obtained through the draft system should be stapled to the front of the transaction listing. Refunds must be entered into the Financial Management System and appear on the transaction listing. Each check must be placed in a sealed envelope with the following information on the outside of the envelope: traveler's name and SSAN, vendor's name and vendor number, paying entity, sub-object classification, and fiscal year.

6-3.6.2 Revised and Moved to 6-3.8.2

6-3.6.3 Revised and Moved to 6-3.8.3

6-3.6.4 Revised and Moved to 6-3.8.4

6-3.7 Utilization of the Draft System and Imprest and Petty Cash Funds (Formerly 6-3.5.2.)

(1) DISBURSEMENT FROM THE FUND IN ADVANCE - An employee requesting an advance of funds in order to make a purchase must complete an FD-794 Draft Request form obtaining the necessary signatures and approvals to receive the funds needed to make the purchase. Once the purchase has been made, the employee is to return the receipt and any unused cash in the form of a money order or personal check, to the draft approval officer or Imprest Fund (IF) cashier to liquidate the advance. NOTE: For advances obtained from the draft system, if the purchase is less than the advance, there will remain a negative balance to be liquidated by a subsequent transaction or a check made payable to the FBI. Purchases must be completed within five calendar days.

(a) An employee requesting a travel advance must complete an FD-540, Travel Request form, and an original and one copy of an SF-1038, Advance of Funds Application, obtaining the necessary signatures, to receive an advance of funds. Within five calendar days following completion of the trip, the employee must prepare an original SF-1012, Travel Voucher, with supporting documentation and submit it to the draft approval officer or IF cashier to liquidate the advance.

(2) REIMBURSEMENT FOR PURCHASES ALREADY MADE - The employee seeking reimbursement is required to present to the draft approval officer or IF cashier a completed FD-794 Draft Request form and the usual sales slip, cash register receipt, or receipted invoice. Handwritten receipts will not be accepted unless the name and address of the establishment is stamped on the face of the receipt. The stamp requirement also applies to cash register receipts or adding machine tapes that do not sufficiently identify the vendor. Employees are encouraged to obtain preprinted receipts which have the establishment's name, address, and logo. All claims for reimbursement wherein a cash advance was not issued are to be submitted by the tenth workday after the date of purchase. (See MAOP, Part II, 6-1.3.2, 6-2(4).)

(a) To claim reimbursement for travel expenses, the employee is required to submit an FD-540, authorizing the travel; and an original SF-1012 with supporting documentation to the approval officer or IF cashier. Vouchers should be submitted within five calendar days following completion of the trip, or if in a continuous travel status, once every 30 days. (See 6-3.6.)

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(3) REPLENISHMENT OF CASH FUNDS - The cashier will prepare an FD-659, Reimbursement Voucher, to request replenishment of the petty cash fund or IF account. An FD-659 should be prepared as often as necessary to keep the fund replenished at an operational level. All cashiers are required to prepare a reimbursement voucher or accountability report dated the LAST WORKDAY of each month (not necessarily the last day) and whenever there is a transfer of accountability between cashiers. In preparing a reimbursement voucher, an original and two copies must be submitted, with the original containing the signature of the cashier and the SAC. The original and one copy are attached to the documentation supporting each transaction for which reimbursement is requested and submitted to the draft approval officer for replenishment of the petty cash fund or to FBIHQ, Attention: Travel Advance and Payment Unit for replenishment of an IF account; the other copy is retained in the field office file. The draft approval officer reviews the FD-659 and the attached documentation; codes and classifies the expenses; and approves the issuance of a draft. Due to the processing requirements that are involved in replenishing an IF account, reimbursement vouchers must be submitted as often as necessary to ensure the account is maintained at a sufficient operational level. (See 6-3.8.)

(a) The period covered on the reimbursement voucher prepared and dated the last workday of the month should indicate only those disbursements paid by the cashier for that particular calendar month. The period covered of a reimbursement voucher shall not overlap the preceding or subsequent month.

(4) ACCOUNTABILITY REPORT - If there are no transactions at the close of the month, the cashier must prepare an "Accountability Report." The accountability report is prepared using an FD-659 and is executed in the same manner as a reimbursement voucher, except there are no transactions. An accountability report may also be used at any time of the month to effect a transfer of funds between cashiers when there are no transactions. Accountability reports must be submitted directly to the Travel Advance and Payment Unit, FBIHQ.

**6-3.8 Transfer of an Imprest Fund (IF) Account or Petty Cash Fund (Formerly 6-3.6.)
(See 6-3.3.1, 6-3.7(3), 6-3.8.1, 6-3.8.2, 6-3.8.3, 6-3.8.4.)**

IF accounts or petty cash funds are transferred under the circumstances set forth below. An FD-659 is required to effect a transfer of funds between cashiers. To complete a transfer of funds, the cashier:

(1) Prepares an original and three copies of the FD-659, reimbursement voucher, in his/her name.

(2) Completes the status of fund and certification section of the FD-659. The cashier adds "and has been transferred to (name of alternate cashier) as of this date," under the certification section. The alternate cashier acknowledges receipt of the fund by inserting "The transfer of funds as indicated above has been received by me (signature of alternate cashier)," under the accounting classification section. The FD-659 is then completed in the same manner as a reimbursement voucher.

(a) The ORIGINAL signatures of both cashiers are required on all copies of the FD-659. Xerox or carbon copies of the cashiers' signatures will not suffice. The original signature of the SAC is ONLY required on the original FD-659.

(3) The original and two copies of the FD-659 are attached to the documentation supporting each transaction for which reimbursement is requested and submitted to either the draft approval officer or the Travel Advance and Payment Unit, FBIHQ, for replenishment of the fund. The other copy is retained in the office file.

6-3.8.1 When a Cashier Resigns (Formerly 6-3.6.1.) (See also 6-3.8.)

When a cashier leaves his/her position, the change should usually be anticipated and sufficient time allowed to process the new cashier designation. FBIHQ should be immediately notified in writing of a cashier's pending resignation, as well as the identity of the individual selected to replace him/her. If the resignation of

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the cashier has not been anticipated to the extent that another person has been designated as cashier, the fund must be transferred to the alternate cashier until the designation of the cashier has been approved by FBIHQ. Upon receipt of this confirmation, the alternate cashier will transfer the fund to the newly designated cashier.

6-3.8.2 When An Alternate Cashier Resigns (Formerly 6-3.6.2.) (See 6-3.8.)

When an alternate cashier leaves his/her position, the change should be anticipated to the extent that a new alternate cashier can be designated. FBIHQ should be immediately notified in writing of pending resignation as well as the identity of the individual selected to replace him/her. In most instances, it will not be necessary to execute a transfer of funds. A transfer of funds must be executed only if the alternate is in possession of the fund. If such is the case, the fund must be transferred back to the cashier.

6-3.8.3 Absence of the Cashier (Formerly 6-3.6.3.) (See 6-3.5.1 & 6-3.8.)

(1) If the cashier is absent from his/her duty status in excess of five workdays, all funds on hand (cash, interim receipts for cash, and unpaid invoices and vouchers) must be transferred to the alternate cashier. Prior to effecting a transfer of funds, any prior advances made to the alternate cashier must be recalled and verified. The accounts of both cashiers must be verified in the presence of both cashiers and/or two Special Agent Accountants (SAAs) or Financial Analysts. Any discrepancies found must be noted on the FD-659, reimbursement voucher.

(2) If the cashier is absent from his/her duty status for less than five workdays and it is anticipated that a reimbursement voucher will not be necessary, the alternate cashier's advance should be increased to ensure that sufficient funding is available to carry on normal disbursing activities. If this method is used, the alternate cashier CANNOT submit a reimbursement voucher in his/her name. When the cashier returns, the alternate cashier shall give him/her all paid invoices and vouchers and reduce the amount of his/her advance to the previous level.

(3) In instances of unforeseen absences of the cashier and the alternate has no advance of disburse funds, three employees designated by the SAC (one who will be the alternate cashier and the remaining two will be either SAAs or Financial Analysts) will seize and verify the fund. An FD-659 must be prepared in the name of the cashier according to procedures outlined above for effecting a transfer of funds. The following certification statement should be used under the accounting classification section instead of the one previously stated:

STATEMENTS FOR TRANSFER OF CASH FUND

We certify that the foregoing is a true and correct statement of the account of (name of cashier and that the total amount of this fund was transferred to (name of alternate cashier), the Alternate Cashier. I certify that I received the total amount of the Fund as stated above from (names of SAAs or Financial Analysts) who verified the accuracy of the account of (name of cashier), Cashier.

(signature of SA Accountant
or Financial Analyst)_____
(name of SA Accountant
or Financial Analyst)

(signature of SA Accountant
or Financial Analyst)_____(signature of alternate cashier_____
(name of SA Accountant (name of alternate cashier)
or Financial Analyst)

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This procedure will effect a complete transfer of responsibility and accountability to the alternate cashier. ORIGINAL signatures are required on all copies of the FD-659 by the three employees designated by the SAC. This same procedure should be used in the event the fund was in the possession of the alternate cashier.

6-3.8.4 Absence of Cashier or Alternate Cashier (Formerly 6-3.6.4.) (See 6-3.8.)

In the event that neither the draft cashier, principal cashier, or alternate cashier are available to handle the applicable fund for an extended period of time, all funds (in whatever form) must be immediately seized by two SAAs or Financial Analysts. They must liquidate all interim receipts by documented receipt(s) and/or cash. A reimbursement voucher must be prepared for the unscheduled invoices and vouchers. The reimbursement voucher along with a cashier's check or money order made payable to the FBI, should account for the total balance of the cash fund. These items must be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit for immediate deposit to the FBI's account.

6-3.9 Verification and Accountability of Draft System and Cash Funds (Formerly 6-3.2.)

Unannounced, independent cash counts are required at least once a month for all funds maintained on an imprest basis or held in the form of cash, to include the IF Account, Emergency Fund, Petty Cash Fund, Permanent Case/30-day revolving advances funded through the draft system for SOG, Group II Undercover, Task Force Operations etc., and all delinquent confidential advances. Each monthly cash count is to be documented on the form FD-917, titled "Cash Count Certification Report." The amount certified on each FD-917 will be included on the form FD-916, titled "Cash Count Summary Report," which summarizes all cash, not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. An FD-916 is to be provided monthly to executive management via electronic communication (EC), highlighting any discrepancies, safeguarding weaknesses, or irregularities noted during the cash counts. In addition to the monthly cash counts, each office is required to conduct quarterly verifications of the draft stock received, draft stock on hand, draft issued file, draft request file, and suspended item file. Semiannually, the draft system and IF accounts are to be audited in detail as to the transactions processed and for compliance with established regulations. The semiannual audits must be performed within 20 days following the close of each semiannual reporting period ending March 31st and September 30th of each year.

(1) The procedures to be followed in performing the monthly, quarterly, and semiannual audits of the draft system and cash funds are documented in the "Field Office Audit Program, Third Party Draft System." These audits are to be conducted regardless of any audit conducted during the regular inspection of the field office.

(2) The audits may be conducted by Special Agent Accountants, appropriately trained Financial Analysts, or field office Auditors. It is suggested that the individual assigned to perform the semiannual audit be the same individual who performs the monthly cash counts and quarterly verifications for the period.

(3) Upon completion of the semiannual audit, an audit EC must be prepared advising the executive management of the results of the audit. It may also be necessary for an audit EC to be prepared in connection with the monthly unannounced cash counts and the quarterly verifications if any noncompliance is detected during the audit. Refer to the "Field Office Audit Program." The audit EC and the work papers should be filed in the Sub C, "Audit Report Subfile," of the field office Third Party Draft file.

6-3.9.1 Audit Report (Formerly 6-3.8.)

Not later than 20 days following the close of each semiannual reporting period, an audit memorandum must be prepared for the field office executive management which sets forth the results of the audit and whether

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any noncompliance was detected. The audit memorandum should be prepared in accordance with the "Field Office Audit Program, Third Party Draft System."

(1) The audit report for the cash funds should be prepared on Form FD-301. The following information must be set out on the audit report form:

(a) Date of audit.

(b) Name of cashier.

(c) Location of fund (Show address of the field office. A rubber stamp may be used.)

(d) Amount of advance.

(e) Accounting of fund.

(f) Overage or shortage (difference between item 4 and item 5 on the report form). Any discrepancy is to be explained under item 7 on the report form. If the discrepancy is in the form of a shortage, a memorandum must be forwarded to the Travel Advance and Payment Unit, FBIHQ, detailing the circumstances surrounding the shortage and identifying culpability for the discrepancy. This memorandum must include a recommendation as to the action taken to satisfy the discrepancy. If the discrepancy is in the form of an overage, a cashier's check or money order made payable to the FBI, for the amount of the overage, must be forwarded with the report to the Travel Advance and Payment Unit, FBIHQ.

(g) Comments or recommendations - Under this item, specific comments should be made regarding compliance with regulations in existence concerning the handling and operation of the fund, and the adequacy of measures taken to ensure safekeeping of the fund both during and after work hours. The statement regarding measures for safekeeping of the fund should show the type of container in which the fund is kept and the disposition of the keys. The employees having access to the fund should also be identified. These persons should be the cashier and, in his/her absence, the alternate cashier(s).

(h) Information must be included under item 7 of the report form as to the frequency of unannounced cash verifications and whether the cash verification accounted for the following: (1) if all funds are properly accounted for any irregularities are to be immediately reported to the Travel Advance and Payment Unit; (2) if the amount of the fund is in excess of cash requirements (unnecessary large amounts of cash on hand); (3) if procedures are being followed to ensure the adequate protection of funds from loss or misuse; and (4) funds are not being used for unauthorized purchases. If excessive amounts of cash are found to be on hand constantly, arrangements should be made to return unused funds to FBIHQ by means of a cashier's check or money order made payable to the FBI to reduce the fund in accordance with Treasury regulations.

(i) The report must be manually signed by the person conducting the audit and his/her name and title typed directly below the signature.

(2) Deleted

6-3.10 Liquidation or Reduction of Cash Funds (Formerly 6-3.9.)

(1) Cash funds have an established funding level and periodically may have temporary increases to adjust for heightened usage. Temporary increases should normally be liquidated within a short period of time. The established funding level or temporary increases should be reduced and/or liquidated by submitting a cashier's check or money order, made payable to the FBI, to the Travel Advance and Payment Unit, FBIHQ.

(2) Annually, as of September 30th, the Travel Advance and Payment Unit, FBIHQ, surveys all cash funds to determine the adequacy of each account. The amount of the authorized balance of a cash fund shall not exceed 100 percent of the average monthly transactions. The maximum amount allowed for a petty cash fund is \$10,000. Based upon the result of this survey, appropriate adjustments will be made to the balance of each account.

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6-3.11 Miscellaneous (Formerly 6-3.10.)

- (1) Items paid from an Imprest Fund account must be numbered consecutively beginning with the number "1" each fiscal year. This numbering procedure is applicable to both commercial receipts and employee's monthly travel vouchers.
- (2) Requests for temporary increases to cash funds must be submitted in writing to the Travel Advance and Payment Unit, FBIHQ, for processing and issuance of payment.
- (3) A cashier whose name is changed by marriage may use her new name on the FD-659, Reimbursement Voucher, as soon as FBIHQ has been advised of the effective date of the name change. The first reimbursement voucher submitted after the change should show both names, as follows: "Mary J. Smith - Draft Cashier; account previously carried under name of Mary Jones."

6-4 POLICIES AND PROCEDURES RELATED TO THE USE OF MASTERCARD GOVERNMENT CREDIT CARDS

6-4.1 Authorized Card Usage

- (1) The use of the MasterCard government credit card, hereinafter referred to only as the MasterCard, is limited to expenses incurred incident to officially authorized government travel. Personal and family member use of the MasterCard is prohibited. Any misuse of the MasterCard may result in an administrative inquiry or other disciplinary actions.

Individual MasterCard issuance is mandatory for all Special Agents; all support personnel expected to travel (even on a limited basis) on government business; and any non-FBI Task Force personnel from other state and local law enforcement agencies who travel on official FBI business and obtain reimbursement from the FBI and who have been deputized for Task Force duties.

- (2) All official travel expenses, hotels/motels, restaurants, car rentals, fuel purchases, etc., incurred incident to the official travel must be charged on the MasterCard whenever and wherever possible, EXCEPT FOR FUEL PURCHASES WHILE ON TRANSFER.

- (3) The MasterCard is valid through January 2004. At that time, the contracted financial institution will automatically renew the MasterCard.

- (4) For airline reservations, Omega World Travel at FBIHQ is to be used. If the Omega World Travel facilities are not available, the employee may use the MasterCard to purchase his/her ticket directly from the common carrier at the lowest government fare available. (See MAOP, Part 2, 6-1.1, 6-1.1.2 and 6-1.1.6.)

- (5) Use of the MasterCard does not relieve the employee of prudent travel practices and observance of rules and regulations governing official travel as set forth in the Federal Travel Regulations (FTRs).

6-4.1.1 Misuse of the MasterCard

Personal use of the MasterCard under any circumstances to obtain goods, services, or cash is a violation of the contract between the contracted financial institution and the government, and is a violation of the agreement signed by each cardholder. Timely payment of undisputed balances is required by the contract and agreement. Nonpayment of undisputed balances or personal use of the charge card may constitute a violation of 28 CFR 45.735-16, Standards of Conduct/Misuse of Federal Property (1994), and 41 CFR 301-15.44 and 15.47, Federal Travel Regulations. Such incidents may also be cause for reconsideration or possible revocation of employee security clearances. Sanctions ranging from reprimand to removal may be considered as provided in DOJ Order 1752.1A, Discipline and Adverse Actions.

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(1) MasterCards are to be used only for expenses incurred in connection with official travel, and MasterCard bills are to be paid on a timely basis.

(2) The Finance Division will refer allegations of misuse of the MasterCard as follows:

(a) Cases of personal use and/or delinquent payment of MasterCard charges will be reported by [redacted] Accounting Section, Finance Division, to the appropriate FBIHQ division head or SAC, and the Personnel Security Unit (PSU), Security Countermeasures Section, National Security Division. The respective entities will investigate and adjudicate these inquiries (263 classification) in coordination with the Office of Professional Responsibility (OPR). Absent any additional extenuating circumstances, late payment cases should not be reported to OPR.

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(b) Cases of delinquent payment of MasterCard charges, which include the possible misappropriation of travel/transfer advances and/or voucher reimbursements, will be reported by [redacted] to OPR and PSU. An example of the possible misappropriation of a travel/transfer advance is when an employee is issued a travel/transfer advance, uses the MasterCard to pay for travel/transfer-related expenses for which purpose the advance was given, and does not use the advance to pay the contracted financial institution. An example of the misappropriation of a travel/transfer voucher reimbursement is when an employee uses the MasterCard to pay for travel/transfer expenses, receives reimbursement from the FBI for a voucher submitted for the travel/transfer expenses charged to the MasterCard, and does not use the reimbursed funds to pay the contracted financial institution.

(3) Should an FBIHQ division head or SAC receive an allegation of misuse of the MasterCard by an employee from other than a referral by [redacted] or OPR, the appropriate inquiry should be initiated and PSU notified.

6-4.2 Unused Tickets

(1) If a transportation ticket purchased with a MasterCard is completely unused, the passenger receipt coupon and ticket(s), if any, should be returned to the travel representative by the employee, and a refund credit receipt should be obtained. This receipt must be retained until the appropriate credit is issued on a subsequent MasterCard statement. The employee shall not submit their unused tickets with the SF-1012, travel voucher or FD-540, travel request form. All unused tickets should be returned immediately to Omega World Travel.

(2) If a charge appears on the MasterCard statement, but the credit does not, immediate credit can be received in the following way:

(a) Subtract the amount of the credit from your payment, if you

(b) Send a copy of the refund credit receipt with the payment to [redacted] (See MAOP, Part 2, 6-4.3 (2), 6-4.4 (2).)

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(c) The contracted financial institution will monitor the account and take whatever steps are necessary to obtain the credit. The card holder will be advised of the final resolution.

6-4.3 Partially Used Tickets

(1) If a transportation ticket purchased with a MasterCard is partially used, the unused ticket(s) and passenger receipt coupon shall be returned to the travel representative by the employee, and a "refund credit receipt" should be obtained. The refund credit receipt should be retained until a credit is received on a subsequent statement.

(2) If a charge appears on the MasterCard statement, but the credit does not, immediate credit can be received by following the procedure in Part 2, 6-4.2 (2)(a) and (b), above.

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6-4.4 Lost and Unused Tickets

(1) Most carriers will attempt to reissue a ticket in accordance with their individual procedures. Employees should explain their ticket loss to the ticket agent and request an alternate ticket. Most carriers will comply if boarding passes have not already been issued against the lost ticket. However, if an alternate ticket cannot be provided, the employee will have to purchase a new ticket and file a Lost Ticket Application immediately with the office location where the original ticket was purchased.

(2) To obtain a credit on your MasterCard statement, submit a copy of the Lost Ticket Application following the procedure in Part 2, 6-4.2 (2)(a) and (b), above.

(3) If the lost original ticket was partially used, a copy of the Lost Ticket Application should be submitted with the travel voucher along with the charge slip.

6-4.5 Billing Information

(1) Employees will use the MasterCard to charge their authorized expenditures while traveling on official business.

(2) Bureau policy requires the employee to submit a properly prepared and approved SF-1012, travel voucher, to receive reimbursement for the expenses charged to the MasterCard. Vouchers are to be submitted within five workdays after completion of the trip, or if in a continuous travel status, once every 30 days. Adherence to this policy will ensure reimbursement prior to the payment date of the MasterCard bill. If the MasterCard is used to purchase common carrier transportation (plane, bus, train), the original passenger receipt must be attached to the SF-1012, travel voucher, to support the claim.

(3) The contracted financial institution will mail a monthly billing statement to each employee. Payment, IN FULL, is due to the contracted financial institution on or before the next statement billing date. This will allow the employee approximately 25 days from the statement date to remit the amount due. THE EMPLOYEE IS PERSONALLY LIABLE FOR ALL CHARGES WHICH HAVE BEEN INCURRED, REGARDLESS OF WHETHER OR NOT THEY EXCEED THE AMOUNT FOR WHICH A TRAVELER IS ENTITLED TO BE REIMBURSED UNDER THE FTRs.

(4) The Office of Personnel Management (OPM) Regulations require employees to pay each just financial obligation in a proper and timely manner. The Bureau will receive delinquency reports from the contracted financial institution requesting that corrective action be taken if an employee fails to pay the bill in a proper and timely manner.

(5) If a MasterCard bill contains a disputed charge, it is the employee's responsibility to contact the contracted financial institution in the following manner to resolve the dispute:

- (a) An employee may call the contracted financial institution on b2
- (b) A letter may be sent, in lieu of a telephone call, identifying the disputed item by reference number and describing any circumstances surrounding the dispute;

The contracted financial institution will need to know the following:

1. Name and account number
2. Reference number of the disputed charge
3. Establishment where the charge was incurred
4. Amount of charge
5. Statement date

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(c) Or, a Travel Dispute Summary may be obtained from the division Travel Fleet Coordinator (TFC) and be filled out and mailed to the address noted on the form.

(d) With this information, research can be conducted to solve the problem, usually, within 10 days.

(6) A monthly billing statement from the contracted financial institution will be mailed to the employee's office of assignment. A statement will be issued when expenditures are incurred or when a credit is posted to the account. In the case of employees assigned to Legal Attaches, Resident Agencies and Information Technology Centers, the employees must use their office of assignment's mailing addresses. If a monthly statement is not received, the employee should contact the contracted financial institution at [REDACTED]

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Note, for those employees noted in the Bureau Personnel Management System as on a Temporary Duty assignment to another division, the contracted financial institution will send their billing statement to the TDY division office address.

6-4.6 Security of the Card

(1) If a MasterCard is lost or stolen, the card holder should immediately call one of the following number(s) which are operational 24 hours a day:

(a) In the continental United States, call toll free [REDACTED]

(b) Overseas, call [REDACTED]

(2) The employee is not liable for any fraudulent charges if the card is lost or stolen provided they promptly notify the contracted financial institution. The employee may be required to review any charges considered fraudulent and sign an Affidavit of Forgery stating he/she did not make the charges. All charges will be the employee's responsibility should he/she refuse to sign the affidavit.

(3) Deleted

6-4.7 Employee Transfers Within Bureau

To ensure uninterrupted service when an employee transfers from one cost center to another, FBIHQ will electronically advise the contracted financial institution of cost center changes which will update bank records for both travel and fuel accounts. No TFC involvement is necessary.

(1) Deleted

(2) Deleted

6-4.8 Cancellation or Separating Employees

(1) The contracted financial institution may not unilaterally cancel any card without prior consultation with and concurrence of the program manager at FBIHQ. In all cases, cancellation requests may be accomplished by telephone notification with subsequent written confirmation to the contracted financial institution. Cancellation requests by employees must be confirmed by the program manager at FBIHQ.

(2) When an employee resigns, retires, or transfers to another government agency, the MasterCard must be returned to the division TFC. The separated employee is still obligated to pay any remaining balance on the MasterCard account.

(3) FBIHQ will notify the contracted financial institution by electronic media to cancel the account.

6-4.9 Financial Obligations/Liability

(1) Employee: Except for promptly reported lost or stolen charge cards, employees are liable for all billed charges. Government employees are required to pay their just financial obligations in a proper and timely

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manner pursuant to Section 101 of Executive Order 12764 (April 12, 1989) and OPM Regulations, 5 CFR 735.207.

(2) Government: The government will assume no liability for charges incurred on employee cards, nor will the government be liable for lost or stolen charge cards issued to employees.

(3) Deleted

6-4.10 Employee Rights and Privileges

(1) Under the terms of its contract with the General Services Administration, MasterCard MAY NOT:

(a) Establish present expenditure limits. All credit and spending limits are negotiated by FBIHQ with the contracted financial institution.

(b) Conduct credit checks on employees designated to receive government cards, unless the employee had a previous government MasterCard canceled for delinquency reasons.

(c) Release credit information to other than authorized employing agency officials or the individual card holder.

(d) Sell or otherwise provide employee names or addresses to other commercial interests.

(e) Charge membership, interest, or late payment fees, unless employee's card is canceled for late payment.

(f) Include commercial advertisements or other forms of solicitation with monthly billing statements.

(g) Issue or cancel employee cards without the concurrence of the authorized Bureau official.

(h) Hold employees or the Bureau liable for any charges made with lost or stolen cards, provided the employee notifies the contracted financial institution promptly upon discovering that his or her card has been lost or stolen.

(2) As a MasterCard holder, employees will receive, either with the card or the first billing statement, a brochure which describes various card features and uses. Major features are summarized briefly as follows:

(a) \$200,000 automatic business travel accident insurance providing coverage 24 hours a day, door to door.

(b) Automatic baggage insurance of up to \$1,250 for carry-on and \$500 for checked baggage in excess of carrier's coverage.

(c) Emergency card replacement within 24 hours.

(d) Confirmed hotel reservations on the card number regardless of time of arrival.

(e) Deleted

(f) Deleted

(g) Deleted

6-4.11 Privacy Act Notice

The following information is provided to comply with the Privacy Act of 1974 (5 U.S.C. 552a): The information requested on the application form is required under the provisions of 5 U.S.C., Chapter 57, for the purpose of recording entitlements and allowances as prescribed in the FTRs. The information requested on the application form is required to provide Government agencies with: necessary information on the commercial travel and transportation payment and expense control system which will provide travelers charge cards for official travel and related expenses; attendant operational and control support; and management information reports for expense control purposes. The information contained under this system

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will be used by Federal agency officers and employees who have a need for such information in the performance of their duties. Information will be transferred to appropriate Federal, state, or local agencies, when relevant to civil, criminal, or regulatory investigations or prosecutions or pursuant to a requirement by the General Services Administration or such other agency in connection with the hiring or firing, or such other investigations of the security clearance, or performance of official duty in Government service. The information requested is not mandatory; however, failure to provide the information will invalidate the application and prevent the issuance of the card.

6-4.12 MasterCard Government Travel Account (GTA)

The GTA is a cardless account which is designed to support airline and rail transactions only.

6-4.12.1 Use of GTA

(1) The use of the GTA is governed by the Prompt Payment Act. (See MAOP, Part 2, 6-9.3 and 6-9.3.1.) The GTA is only to be used to obtain passenger service for official travel. The GTA cannot be used to obtain airline tickets for cost-reimbursable contractors performing official government travel.

(2) The GTA is to be restricted for use only in obtaining passenger service for non-Bureau personnel who do not routinely travel on official FBI business, and on an emergency basis only for FBI employees who were not expected to travel and for whatever reason do not have an individual MasterCard to travel or employees who have had a previously issued MasterCard revoked.

(a) The GTA is not to be used for any transfer- related travel or entitlement travel, i.e., educational travel, tour renewal agreement travel, rest and recuperation travel.

1. An employee must use his/her individual MasterCard to pay for reimbursable transfer-related expenses, except for fuel purchases, and claim reimbursement on the SF-1012 travel voucher.

2. If an employee does not have a government MasterCard, upon receipt of transfer orders, he/she should immediately contact their division's MasterCard coordinator and initiate appropriate action to obtain a MasterCard.

(b) Deleted

1. Deleted

2. Deleted

6-4.12.2 Issuance of GTA (See MAOP, Part 2, 6-1.1.2.)

(1) All field offices, headquarters divisions, and technical centers are authorized to have a GTA.

(a) Each office authorized to have a GTA is to designate who is authorized to make reservations on the GTA. The GTA reservation contact cannot be the Draft Approval Officer or Cashier, as this would cause a severe lack of internal controls. Only the authorized personnel will be allowed to make reservations with Omega World Travel. It is recommended that each office designate a primary reservation person and one or more alternates depending on the size of the office.

1. All requests to change reservation contacts with Omega World Travel must be sent to the MasterCard Program Coordinator [REDACTED] Accounting Section, Finance Division, Room 1270.

2. A stolen GTA number must be reported to the MasterCard Program Coordinator immediately, and to the contracted financial institution by calling toll free [REDACTED]

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3. Any maintenance changes, such as a change in the billing address, or cancellation requests on a GTA must be sent to the MasterCard Program Coordinator at FBIHQ.

6-4.12.3 Procedure for Using the GTA to Make Reservations with Omega World Travel (See MAOP, Part 2, 6-1.1.2.)

- (1) When making a reservation with Omega World Travel, the reservation contact must identify himself/herself and state that the reservation is to be made on the GTA.
- (2) The reservation contact is to provide Omega World Travel with the GTA's cost code and account number, traveler's name, traveler's FD-540 travel request form number, traveler's social security number, itinerary information, date of tickets, and where the tickets are to be sent.
 - (a) Deleted
 - (b) Deleted
- (3) Upon completion of the reservation, Omega World Travel will provide the reservation contact with a record locator number.
 - (a) The reservation contact is to record the Omega World Travel record locator number on the FD-540 travel request form under the TR number.
 - (4) Authorized reservation contacts can make emergency reservations on the GTA with Omega World Travel after normal business hours by calling [REDACTED]. This number is only to be used after normal business hours and on weekends.

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6-4.12.4 Procedure for Paying GTA Invoice by Draft Office

- (1) If the MasterCard GTA invoice is under \$10,000, delete the obligation line for each traveler's airfare, retain the other lines for lodging, per diem, etc., to be matched when the traveler submits his/her SF-1012 travel voucher. Process the GTA invoice as a direct invoice under Entity 00CD (Commercial) using the contracted financial institution's vendor number, providing a line for each airline ticket, thus charging the correct item number and TR number. The payment will be issued and payable to the contracted financial institution. Airfare lines must be deobligated to avoid charging the division's travel budget twice.
 - (a) All GTA payments not remitted to the contracted financial institution by the payment due date will be assessed late payment penalties. Invoices under \$10,000.00 not paid within 30 days from the date of receipt in the field office must be forwarded to FBIHQ for payment and calculation of the late payment penalty to the contracted financial institution. Penalties for late GTA payments over \$10,000.00 will be automatically assessed at FBIHQ when submitted for payment. All late payment penalties will be charged against the submitting office's travel budget.
 - (b) Any transaction on the GTA statement that is not included in the payment must be identified to the contracted financial institution as a disputed charge. This will help ensure that the GTA does not become delinquent for the amount in dispute. Whenever an amount is disputed with the contracted financial institution, the employee reconciling the account must complete a "Reconciliation and Billing Dispute Notification" form. The completed form should be faxed to the contracted financial institution's Government Account Unit at [REDACTED]. A copy of the "Reconciliation and Billing Dispute Notification" form should also be attached to the MasterCard statement being submitted for payment on which the disputed amount appears. The contracted financial institution will issue a temporary credit against the disputed amount. Upon resolution by the contracted financial institution, the disputed amount will be identified as a "closed item" and will appear in the Closed Research Cases section of the Invoice Status Report enclosed with the MasterCard GTA Statement. The appropriate debit or credit adjustment will then be applied to the current monthly billing statement.

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(c) To reduce the number of late payment penalties, employees responsible for the reconciliation and payment of the GTA statement should ensure that all GTA payment request packages are accurately filled out and contain all of the required documentation. All GTA payment request packages should include the original MasterCard GTA statement which has been date stamped with the received date by the office; an approved Draft Request form (FD-794); copies of the approved FD-540(s) for the individual(s) for whom the travel reservations were made; and if applicable, the "Reconciliation and Billing Dispute Notification" form. Please ensure that all FD-540s are documented with the cost of the airline ticket, the passenger receipt is enclosed, and that the Omega World Travel record locator number is noted below the travel authorization number. Failure to submit a completed GTA payment request package may delay payment to the contracted financial institution and require that late payment penalty charges be assessed on the account.

(d) The GTA delinquency is currently reported on the contracted financial institution's "Aging Analysis Report" which is sent to all SACs, Assistant Directors, and other appropriate office heads on a monthly basis.

(2) If the MasterCard GTA invoice is greater than \$10,000.00, perform the account reconciliation as is noted above; however, send the completed package to the Travel Advance and Payment Unit, FBIHQ, for payment.

6-4.12.5 Procedure for Paying GTA Invoice by FBIHQ

(1) All headquarters GTA monthly invoices will be sent directly to the individual reservation contact designated by the division to receive the GTA invoice.

(2) The division's travel managers must delete the obligation line for each traveler's airfare and retain the other lines for lodging, per diem, etc., to be matched when the traveler submits his/her SF-1012 travel voucher.

(a) After a reservation is made with Omega World Travel, the reservation contact is to retain the pink copy of the FD-540 and forward the other copies to the division's travel manager who is responsible for obligating the estimated travel costs in the Financial Management System.

(b) Upon receipt of the GTA invoice, the individual charges must be verified and approved for payment by the division's primary, or in his/her absence, the alternate reservation contact. This verification is to be completed by reconciling the individual charges to the pink copy of the FD-540 and actual airline passenger receipt.

(c) After the invoice is reconciled and approved for payment, the GTA Coordinator should attach a completed GTA Bank One Reconciliation Form to the monthly invoice and submit documentation to the Commercial Payments Unit, Room 1993 for payment.

(d) All GTA payments not remitted to the contracted financial institution by the payment due date will be assessed late payment penalties. All late payment penalties will be charged against the submitting office's travel budget if the completed package is not received by the Commercial Payments Unit (CPU), Room 1993. All GTA bills must be received by CPU no later than the 10th of the month following the invoice date indicated on the bill. FD-540's are not to be included in the package. Please keep all FD-540s along with the airline passenger receipts on file within the Division. Do not forward these to CPU for processing.

(e) Any transaction on the GTA statement that is not included in the payment must be identified to the contracted financial institution as a disputed charge. This will help ensure that the GTA does not become delinquent for the amount in dispute. Whenever an amount is disputed with the contracted financial institution, the employee reconciling the account must complete a "Reconciliation and Billing Dispute Notification" form. The completed form should be faxed to the contracted financial institution's Government Account Unit at [REDACTED]. A copy of the "Reconciliation and Billing Dispute Notification" form should also be attached to the MasterCard Statement being submitted for payment on which the disputed amount appears. The contracted financial institution will issue a temporary credit against the disputed amount. Upon

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resolution by the contracted financial institution, the disputed amount will be identified as a "closed item" and will appear in the Closed Research Cases section of the Invoice Status Report enclosed with the MasterCard GTA Statement. The appropriate debit or credit adjustment will then be applied to the current monthly billing statement.

(f) In order to reduce the number of late payment penalties, employees responsible for the reconciliation and payment of the GTA statement should ensure that all GTA payment request packages are accurately filled out and contain all of the required documentation. All GTA payment request packages should include the original MasterCard GTA statement, which has been date stamped with the received date by the office and the GTA Bank One Reconciliation form. FD-540s and FD-794s are not to be included in the package. These are to be retained with the passenger airline receipts within the Division's files. Failure to submit a completed GTA payment request package may delay payment to the contracted financial institution and require a late payment penalty charges be assessed.

(g) The GTA delinquency is currently reported on the contracted financial institution's "Aging Analysis Report" which is sent to all SACs, Assistant Directors, and other appropriate office heads on a monthly basis.

6-5 PROCUREMENT AUTHORITY (See Legal Attache Manual, Part 1, 2-7.1 (1) (d).)

(1) Authority and responsibility to contract for authorized supplies and services are vested in the agency head. The agency head may establish contracting activities and delegate to heads of such contracting activities broad authority to manage the agency's contracting functions. Contracts may be entered into and signed on behalf of the government only by contracting officers. Contracting officers have authority to enter into, administer, or terminate contracts and make related determinations and findings. Contracting officers may bind the government only to the extent of the authority delegated to them. No contract shall be entered into unless the contracting officer ensures that all requirements of law, executive orders, regulations and all other applicable procedures, including clearances and approvals, have been met. See MAOP, Part 1, 1-14, regarding financial disclosure reporting requirements for employees who take action regarding contracting or procurement.

(2) A formal contract is necessary for the procurement of goods or services which exceed \$25,000 per year and are not available on the General Services Administration (GSA) schedules. The Property Procurement and Management Section should be immediately contacted for instruction whenever a need for a possible contract over \$25,000 is recognized so that Federal Acquisition Regulations can be followed. The requirement for a formal contract applies for procurement of services to assist the Bureau's investigative needs as well as to supplies and equipment.

(3) See Part 2, 6-5.5, of this manual for contracts requiring Office of the General Counsel (OGC) review.

6-5.1 Procurement Methods

(1) Government Purchase Card (GPC) Program

In order to be a cardholder in the FBI, the employee must attend one eight-hour class conducted by the FBI, have approval of his/her management, and have a need to purchase goods and services under the micro purchases threshold (currently \$2,500 or less, except for construction and alterations, which is \$2,000). Once trained, the employee will receive a letter of procurement authority from the Section Chief of PPMS, Finance Division, along with a Certificate of Appointment (SF-1402) making the employee an authorized contracting officer under the program only. This delegation will automatically terminate upon leaving the Bureau, a reassignment of the employee and the card is no longer needed, or for administrative reasons. The purchase card is used as a purchase and payment method and each cardholder must have an obligation in the financial management system prior to any purchase. This is accomplished via the internal purchase order that is established at the field office level or at FBIHQ depending upon the bulk funds being requested. Each cardholder will be issued a purchase credit card with his/her official Bureau name, and the

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card will become part of his/her personal inventory. Each card will also contain the FBI's tax exempt number. (See MAOP, Part 2, 6-3.)

(2) Purchase Orders

All requirements over the micro purchases threshold (\$2,500 or \$2,000 for construction and alterations) must have a purchase order issued unless an exception has been made by the PTAU, PPMS (see MAOP, Part 2, Section 6-3.6). Purchase Orders can be issued at the field office level up to the dollar threshold of the Administrative Officer, the Supervisory Administrative Specialist, or other employee who has been given a delegation of procurement authority. If the requirement is over the field office authority, it must be forwarded to PPMS via an FD-369, Requisition for Supplies and/or Equipment, along with any supporting documentation. A determination has been or will be made by the acquisition team whether to use a mandatory source, a GSA company, perform maximum competition, full and open competition, or limited competition. Once the purchase order is issued, a contract will exist upon acceptance, or delivery, or performance by the company. Under certain conditions, formal contracts can be done for commercial items/services utilizing the simplified acquisition procedures.

(3) Formal Contracts

A formal contract is normally necessary for the procurement of goods or services in excess of \$100,000 and are not available from a mandatory source, or a GSA company under a contract, or another federal government agency. The requirement must be done under full and open competition unless an exception is met or is performed under Simplified Acquisition Procedures (maximum competition).

(4) Urgent Requirement

If an urgent and compelling requirement in excess of \$500 occurs, immediate contact should be made with the PPMS, FD, or a field office contracting officer if within the dollar threshold of the field. Remember, only contracting officers can obligate funds on behalf of the federal government; and if this policy is not followed, it results in an unauthorized commitment. Contact with PPMS can be done via the FBI Switchboard or SIOC.

(5) When it is determined that special building space is required to support an investigative operation and the space cannot be acquired through GSA, all details should be expeditiously furnished to FBIHQ. Include information concerning the number of square feet required, term of the lease, the monthly cost and a proposed lease if available. (See MAOP, Part 2, 2-1.2.8, 2-1.2.10, 6-8.5.1 (6), and 6-11 (5).)

6-5.2 Invoices under Purchase Order/Contracts (See MAOP, Part 2, 6-11 (5).)

Only proper invoices will be processed for payment that apply to the deobligation of the expense. It is the responsibility of the requesting division to ensure the items/services have been received in accordance with the terms and conditions of the contract, that invoices are processed quickly, and forwarded to the contracting officer (CO). Once the CO receives the "OK" from the requesting division, verifies all required information is on the invoice, and applies the CO approval stamp to the invoice, it will be forwarded to Commercial Payments Unit (CPU). All entities involved in the approval process should maintain a copy of the invoice; only the original is forwarded to CPU.

6-5.3 Ratifications

(1) When an obligation is entered into without the knowledge of or approval of a CO, it results in an unauthorized commitment. Under the Federal Acquisition Regulation (FAR), Part 1, it is possible to correct this situation via a ratification. The ratification process can only occur if certain issues are met:

(a) Document facts leading up to the unauthorized commitment;

(b) Description and delivery status of the goods/services and if received, the benefit obtained by the government;

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- (c) Total dollar value of the commitment;
- (d) How was the contractor chosen (competed versus noncompeted and a determination of a fair and reasonable price;
- (e) A statement that funds were available at the time of the commitment and still are available; and,
- (f) Administrative steps being taken to ensure further preventions of unauthorized commitments.

The above documentation will be in a form of an EC approved by the Assistant Director or Deputy Assistant Director at FBIHQ and by the SAC or ASAC in the field office where the unauthorized commitment occurred. This approval cannot be redelegated. An FD-369 must accompany the EC (if not already furnished to a CO) as this will serve as the funding document.

(2) Actual Ratification

Once the documentation is received by the CO, a determination will be made as to the legality of the procurement and, if necessary, will be referred to the Procurement Law Unit (PLU), Office of the General Counsel (OGC). Once it is determined to be legal, the ratification will be processed so that the company can be paid as soon as possible. The Chief Contracting Officer (CCO), PPMS, will be the ratifying official on all ratifications except for those actions affected by the CCO's office. Copies of all ratifications will be maintained in the PTAU, PPMS, Finance Division, and a copy forwarded to the Justice Department Procurement Executive in accordance with the Justice Acquisition Regulation (JAR).

(3) Administrative Action

All determinations of unauthorized commitments will be referred to the Office of Professional Responsibility (OPR) for appropriate action and will be considered in the SAC's/AD's performance review. The administrative action to be taken against the employee who committed the procurement action may consist of the following: Letter of Censure, three days' suspension, reimbursement to the government of the expense (or a percentage thereof); or permanent release from duty, depending upon the severity of the situation, and/or if a recurrence by the employee.

(4) Nonratifiable Commitment

If it is determined that the unauthorized commitment cannot be ratified, it must be referred to OGC for advice and may be subject to resolution as recommended by the General Accounting Office under its claim procedure (GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 4, Chapter 2).

6-5.4 Honoraria (Pending)

6-5.5 Role of the Office of the General Counsel (OGC) (See MAOP, Part 2, 6-5.) (Formerly 6-5.3)

(1) For any proposed: contract or contract option for \$1.25 million or more; noncompetitive contract or contract option for \$500,00 or more; research and development contract or contract option; covert-action contract such as where the contractor is unaware that he/she is dealing with the FBI; presolicitation approval of any proposed contract in excess of \$5 million; contract involving human- subject research; or services contract or contract option with former FBI employees regardless of amount, the General Counsel or designee shall:

- (a) provide legal advice and counsel on contracting and procurement, including related fiscal law issues, to the Director and staff, the Contract Review Board (CRB), and the Chief Contracting Officer (CCO), and participate fully in the entire acquisition process from acquisition planning through contract completion or termination and close out;

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(b) participate fully as a member of the CCO's procurement team and provide advice and counsel to the CCO, procurement problem managers (PPM), and to their respective staffs, as to the legal sufficiency of actions taken by the CCO, the PPM, and their respective staffs;

(c) review for legal sufficiency all acquisition plans, justification, determinations, and findings, and contract documents;

(d) provide advice and counsel to the Director and staff, the CRB, the CCO, and PPMs regarding the exercise of sound business practices in connection with FBI procurements; and

(e) control, manage, and litigate, in coordination with the Department of Justice, as warranted, all related protests, disputes, collateral litigation, and alternative dispute resolution proceedings.

(2) Unless the matter requires emergency CRB authorization and the circumstances dictate that the CRB proceed without OGC involvement, no FBI contract in the categories described above may be awarded without the review of the General Counsel or designee.

6-6 COMPETITION ADVOCACY PROGRAM (CAP)

(1) CAP STRUCTURE:

The FBI CAP structure distributes organizational and personal accountability for competition in contracting among senior management, program management, and procurement management. The CAP is headed by the Deputy Assistant Director, Finance Division, who has been designated by the Attorney General to serve as the procuring activity Competition Advocate (CA) for the FBI. The FBI CA, in turn, is supported by senior program and procurement officials throughout the FBI.

(a) PROCURING ACTIVITY CA

The procuring activity (CA) for the FBI shall be responsible for the competition advocacy program (CAP). The functions of the CA are to:

1. Promote full and open competition, or maximum competition as applicable;
2. Challenge requirements that are not stated in terms of functions to be performed; and,
3. Challenge barriers to the acquisition of commercial items.

In order to perform the functions, the CA shall:

- a. Issue instructions implementing the CAP;
- b. Enforce the CAP, acquisition planning, and market research;
- c. Ensure systems are established for the effective internal control of FBI functions;
- d. Review acquisitions for compliance with federal departmental requirements, specifications for unnecessary detail, and statements of need for undue restrictions which have not been successfully tested in the marketplace;
- e. Review and approve justifications for other than full and open competition for contract actions over \$500,000 but not exceeding \$10 million. Refer acquisitions that have a programmatic interest to the CA, to the Director, or designee for independent review. Each justification shall contain the concurrence of the applicable Contracting Unit Chief (CUC), the Chief Contracting Officer (CCO), the technical advisor, and the PLU, OGC;
- f. Concur with Justifications for other than full and open competition for contract requirements over \$10 million and up to \$50 million, which require the review and approval of the Bureau Procurement Chief (BPC) who also serves as the Section Chief, PPMS, along with the same concurrences in e. above.

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- g. Concur with other than full and open justifications in excess of \$50 million prior to their being forwarded to the Procurement Executive, Department of Justice, along with all of the signatures in f. above; and,
- h. The FBI CA will serve as the task and delivery order Ombudsman on indefinite delivery, indefinite quantity, multiple-award contracts.
- i. Submit an annual report to the Department by November 10 of each year on the program.

(b) PPMS

The Section Chief of PPMS shall be accountable for implementing the FBI CAP requirements, acquisition planning, and market research within the contracting offices. The responsibilities of the Chief are:

- 1. To issue communications, internal instructions, or directives pertaining to the CAP;
- 2. Provide procurement data for the conduct of a central review of acquisition resources, as an annual requirement during budget formulation; and,
- 3. Have authority to cancel an invitation for bid after opening in accordance with the FAR, Subpart 14.404-1 and the JAR, Subpart 2801.601(a).

(c) CCO

The CCO serves as direct overview of all the contracting offices and as such has the following responsibilities under the CAP:

- 1. Initiate annually the Acquisition Plans (AP) with the Acquisition Planner (APR) for each division. This will be performed after the Acquisition Forecast has been reviewed and accepted by the CCO;
- 2. Establish acquisition lead times and cut-off dates to be used in planning and monitoring receipt of acquisitions;
- 3. Document lead time on each AP;
- 4. Provide necessary assistance to the APR in preparing the AP;
- 5. Monitor receipt of requisitions to ensure compliance with the Competition in Contracting Act (CICA) or other advance information requirements for compliance with the AP and notify the APR of noncompliance;
- 6. Ensure applicable contract files contain all supporting AP documentation;
- 7. Delegate, as necessary, planning and monitoring functions to contracting officers (CO) and make final decisions with respect to CO's determinations made in the planning process;
- 8. Ensure total obligations planned for award during the fourth quarter do not exceed the average planned for award during the first three quarters, except where seasonal requirements, program objectives, and procurement lead times justify a higher amount;
- 9. Report competition data and such other information at the time and in the formats specified by the DOJ CA; and,
- 10. As necessary, give assistance with competition advocacy functions and serve as the Bureau's Protest Official.

(d) APR

The duties of the APR will be assigned as a function of the Unit Chief (UC) of the Administrative Unit or corresponding position within each division. As such, the APR shall be accountable for implementing the FBI CAP requirements, AP, and market research. The APR shall:

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1. Issue communications, internal instructions or direct and ensure his/her division's compliance with the CAP;
2. Appoint, as necessary, one or more senior program officials to assist in the CAP;
3. Conduct an annual requirement during budget formulation, a review of acquisition resources within the division;
4. Ensure written APs are prepared and definitized by June 30 of the year prior to the beginning of the new fiscal year for all contract requirements at \$5,000,000 or more. The written AP shall be forwarded to the CCO where it will be placed in the contract file. The APR will revise plans as necessary;
5. Ensure identification of requirements sufficiently in advance to allow awards to be made on the basis of full and open competition unless otherwise justified;
6. Coordinate the AP with the CA if it proposes the use of other than full and open competition; and,
7. Ensure receipt of complete requisition packages and/or other advance information requirements in the contracting office as scheduled.

6-6.1 Acquisition Plans

The following procedures have been established to ensure that all acquisitions have an acquisition plan in accordance with the FAR, JAR, and the FBI's CAP:

- (1) Each division's APR shall review printouts to determine if there are potentials to combine requirements for the upcoming year. The review will also include purchases processed under the government purchase card program. The review should be completed by November 30 of each year and the findings forwarded to the CA. Considerations shall be given to such actions as commercial items rather than specializing; write performance-based statements of work for service-type requirements; enhance competition on re-procurements; multiple awards under one solicitation; combine within one entry similar items or services previously procured by one or more entities within the division, and/or combine requirements which span several fiscal years which usually materialize year after year.
- (2) Each contracting UC shall be on the alert to identify recurring requirements in order to consider a contract with options rather than individual procurements yearly. If this identification is shared by two or more divisions, forward the recommendations to the CA. The CA will then designate one APR who shall serve as the lead or principal APR for the acquisition.
- (3) Coverage. The following are excluded from APs:
 - (a) Extensions caused by delays;
 - (b) Modifications pursuant to the changes clause;
 - (c) Terminations;
 - (d) General Services Administration (GSA) stock items;
 - (e) Intragovernmental agreements (within the Justice Department);
 - (f) Orders placed to Federal Prisons Industries, Inc., aka Unicor;
 - (g) Prepriced orders unilaterally placed under indefinite delivery-type contracts;
 - (h) Option exercises and most contract modifications after the initial plans are established;
 - (i) Architect-engineering services;
 - (j) Unsolicited proposals (see FAR 15.5); and,

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(k) Regulated utility services which are available from only one source.

(4) Policy and Procedures. The APs shall be accomplished as outlined as follows: Beginning no later than February 1 prior to the Budget Year (BY), the APR shall prepare an AP as outlined:

(a) Acquisitions below \$100,000 will be conducted orally in accordance with the JAR and noted on the FD-369 (Requisition for Supplies and/or Equipment).

(b) Acquisitions \$100,000 but less than \$5 million shall be documented on the FD-910 via a macro and shall be complete and accurate to include market research, suggested procurement method, total dollar amount over the life of the contract, interagency agreement, or delivery order, and shall be approved by the technical staff requesting the proposed acquisition, the budget office of the division, legal review (if applicable), and the CCO or CO. A copy of the plan shall be maintained in the contracting office and the PTAU with the original returned to the requesting division. Once the requesting division has the funding, the FD-369, the original AP, along with all supporting documentation (statement of work, source selection plan, justifications (as required) shall be forwarded to the appropriate contracting office to be processed.

(c) Acquisition \$5 million or more. The dollar amount requires a formal written AP and is done in accordance with the FAR Part 7 and the JAR, Part 2807, as well as the CAP for the FBI. The plan is documented on the FD-911 via a macro. All fields must be executed that are applicable and, if not, should so state as "N/A." The form will be forwarded to the PTAU where an AP number will be issued and a copy retained. The original will be forwarded to the UC of the contracting unit that will approve the AP. Once approved, the original will be returned to the requesting division and a copy kept in the contracting unit until the actual procurement action is requested. The original must be retained in the contract file. When submitting the request for procurement action, all supporting documentation must accompany the FD-369.

6-6.1.1 Acquisition Resources Review Procedures (See MAOP, Part II, 6-6.1 (2))

(1) ACQUISITION RESOURCES REVIEW DATABASE. Every year for four years in October prior to the budget year, the FBI OCA will furnish to each AP a computer disk containing his/her Acquisition Forecast for the prior fiscal year. Utilizing this database, the AP will prepare a variety of sorts designed to expose those base acquisitions which are potential candidates for consolidation within larger volume purchases. Sorts may include one or more of the following:

(a) Object class/subobject class (OC/SOC) and requisitioning activity (cost center code)

(b) Product code, description, and cost center code

(c) Product code, description, and award type

(d) Principal product code, description, and cost center code (e) Other sorts as appropriate

(2) In the fifth year, the OCA will create a historical database by dumping selected data elements appearing in the Procurement and FPDS file which pertain to acquisitions executed during the most recently closed fiscal year. Utilizing this database, each AP will conduct sorts which may include those listed above as well as any of the following:

(a) Blanket Purchase Agreement (BPA) number

(b) GSA Schedule Contract Number

(c) Contractor Name

The computer disk will display the procurement data for each record, as appropriate.

(3) CONDUCTING THE REVIEW. Each AP reviews past acquisitions/forecasts to identify those which are recurring or will require renewal during the budget year (base level), those required to support

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enhancements, and associated budgeted resources. To perform the review, the AP first prepares a forecast, as follows:

(a) Using the computer disk prepared by the OCA as a database:

1. IDENTIFY:

- a. Annually recurring requirements which historical records indicate should materialize in the budget year.
- b. Other more frequently recurring requirements of a similar (not necessarily identical) nature which may be candidates for consolidation within a single acquisition.
- c. Deleted

2. DELETE: Requirements which will not recur. (Consult procurement files, as necessary, for information not available on the disk.)

(b) ADD those requirements now pending procurement action for which the current fiscal year advance procurement plans and planning and budget documents indicate will require renewal during the budget year to support ongoing initiatives.

(c) ADD requirements planned to support new initiatives based upon a review of budget and planning documents, A-76 schedules, and Automated Information System tactical plans. Identify:

- 1. What new projects or services will be required?
- 2. Which of these projects or services will not be performed by Departmental employees and therefore will require performance by contract? Add these projects or services.
- 3. Which of these projects will be performed under a contract of another agency? Add these projects or services and the anticipated interagency agreements.
- 4. Which of these projects will be performed by Bureau employees, but will require contractor support?
 - a. Will the support be in the form of hardware or goods? Add these items in generic or brand-name terms (e.g., IBM word processors).
 - b. Will the support be in the form of contractor services to supplement employee effort? Add such services.
 - c. Will the support be procured by another agency? If so, add anticipated interagency agreements.

(4) CATEGORIZING REQUIREMENTS

(a) REVIEW the forecast to identify those requirements which have the greatest potential to materialize.

(b) EARMARK those for which funds are less likely to materialize.

(c) IDENTIFY the principal product code for each entry. (d) GROUP the requirements by Principal Product Code for new requirements not procured before. Then segregate the requirements listed under each Principal Product Code within the following categories (consult the Procurement Office for assistance):

1. OPEN MARKET

This category generally includes:

- a. New contracts and follow-on contracts
- b. Contract modifications, including options
- c. Recurring requirements for a consumable item
- d. Repetitive small purchases for an item or service

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- e. Projects or services which constitute new initiatives to be performed partially or wholly by contract
- f. Support equipment for new or ongoing initiatives (not included within the remaining two categories)

2. GOVERNMENT SCHEDULES (VA, DOD, GSA and ADTS)

This category generally includes:

- a. Renewals for equipment lease or maintenance by vendor schedule contract
- b. Recurring requirements for consumable items (in generic or brand-name terms) which historical records indicate are repetitively placed against a Federal schedule contract

3. OTHER SOURCES

This category generally includes:

- a. Interagency agreements with other executive agencies for items or services to be supplied by contract
- b. Orders under other agency contracts
- c. Reimbursable agreements with other Departmental organizations for items or services to be supplied by contract

(5) REFINING THE FORECAST

(a) IDENTIFY repetitive or recurring requirements and requirements which are common to two or more organizational units within your division. Such requirements may be candidates for consolidation within a single acquisition and MAY THEREFORE BE COMBINED WITHIN A SINGLE ENTRY.

(b) GROUP OR COMBINE entries which may logically and advantageously be consolidated, considering as a minimum, the following arrangements:

- 1. Combine within one entry similar items or services previously procured by one or more organizational units:
 - a. Divisionwide
 - b. Sectionwide
 - c. Unitwide
- 2. Combine within one entry a range of items customarily manufactured or marketed as a product or service line (e.g., variety of office supplies, a variety of paints and paint preparation products, a variety of floor coverings, a variety of local related, yet different services).
- 3. Combine, within one entry which spans several fiscal years, requirements for a product or service which usually materialize year after year.

(c) DOCUMENT THE FORECAST by completing the Acquisition Resources Review Database and Acquisition Forecast forms.

- 1. Enter in database all requirements which, individually or when consolidated, will exceed \$25,000.
- 2. Enter in database those which will not exceed \$25,000.

6-6.2 Policy and Procedures

(1) As stated above, all acquisitions must have an acquisition plan, whether orally, the FD-910, or the FD-911 and must address all issues on the appropriate form regarding procurement method, other than full and open competition (or maximum competition), publicizing the requirement or not, use of other government contracts, A-76 studies (if applicable), etc., and must include the market research.

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(a) Procedures. During the month of November the CA will provide the APR of each division the computer printout containing a listing of all acquisitions executed via a purchase order. The list shall serve as a tool for forecasting and aggregating recurring requirements for possible consolidation. In addition, each contracting Unit Chief shall be on the alert to identify recurring requirements in order to consider a contract with options rather than yearly requirements. The APR shall prepare an AP as soon as possible but no later than February 1 prior to the budget year based on the computer printout, spending plan, forecast, etc. For requirements \$5 million or more and/or major system acquisitions defined as:

1. Information Technology, life cycle cost in excess of \$100 million;
2. Major Real Property by purchase when assessed value exceeds \$60 million or lease when the annual rental charges including basic services (i.e., cleaning, guards, maintenance) exceeds \$1.8 million or transfer from another agency at no cost when assessed value of the property exceeds \$12 million; and,
3. Any Research and Development (R&D) System expected to exceed \$0.5 million, for the R&D phase is subject to OMB Circular A-109, unless exempted by the Head of the Contracting Activity (Director, FBI).

When the life cycle costs of 1 through 3 above are less than \$5 million, the lesser amount will be used for purposes of AP and, if more, the \$5 million will be applicable.

The PPMS shall furnish completed AP under \$5 million by March 25 prior to the budget year and June 30 for APs \$5 million or greater. It is imperative that the program office, budget office, and contracting office meet 12 to 18 months prior to submission of any major acquisitions to ensure adequate planning to include funding, personnel, contract issues, and any special approvals required prior to acquisition action.

(b) Exceptions to AP.

1. Waiver - Exception may be obtained via a waiver from the CCO by submitting an electronic communication (EC) setting forth the circumstances which created the time constraints (i.e., slippage occurred or the requirement was not identified earlier) and why the need for the property or services is of such an unusual and compelling urgency that the government would be seriously injured unless the CO is permitted to limit the number of sources solicited.
2. Unplanned Requirement - If the requirement is subject to full and open competition, but was not planned, the APR shall furnish to the CCO for the contract file an EC which documents those circumstances, and it shall contain, at a minimum, reason(s) why the requirement was not planned, a description as to how and when the requirement materialized and steps being taken to avoid future lapses. Pending lapse of current fiscal year funding is not a reason to justify a lack of acquisition planning.

(c) Cut-Off Dates for Receipt of Acquisitions. The following is a list of final dates for receipt of requisition packages. These dates may be waived on a case-by-case basis with the approval of the appropriate contracting Unit Chief:

DEADLINE DATE REQUEST TYPE DOLLAR AMOUNT

April 1 New Open Market over \$500,000 Competitive Contract Noncommercial

April 15 New Open Market over \$500,000 Noncompetitive Contract Noncommercial Item

June 1 All Other Contracts over \$500,000

July 1 New Open Market up to \$5,000,000 Competitive Contract Commercial Item

July 15 New Open Market up to \$5,000,000 Noncompetitive Commercial Item

July 15 Inter and Intragovernment any dollar amount (Reimbursable)

August 15 Federal Supply Schedule over \$100,000 Other Government Agency Contract (Delivery Orders)

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September 1 Orders Against Requirements over \$100,000 Contract - Negotiated Task Orders

September 1 All Other Orders under \$100,000

(d) Implementation. This CAP was approved by the Director, FBI, and the CA September, 2000; however, the APRs were not advised until May, 2001, with full implementation July, 2001.

6-7 SUPPLIES AND EQUIPMENT

Supplies and equipment must be procured in accordance with the methods set forth below. Supply items are expendable and ordinarily consumed within two years. Equipment is nonexpendable and expected to have a useful life of at least two years. Details regarding the accountability of nonexpendable property are contained in the Accountable Property Manual.

6-7.1 Methods of Procurement

6-7.1.1 Supply Requisition (FD-218) (See MAOP, Part II, 6-7.1.2 & 6-7.1.6.)

(1) Form FD-218 is used to order all items listed in FBIHQ and field office supply catalogs. These items are stocked by FBIHQ in offsite warehouse locations. Orders for supply items should be placed on a staggered basis as follows:

(a) January, April, July, October - Albany through Knoxville

(b) February, May, August, November - Las Vegas through Salt Lake City

(c) March, June, September, December - San Antonio and all other field offices, including Quantico

(d) Foreign offices may order on a monthly basis if necessary

(2) Field office should order an estimated three months' supply of all items required at one time. Orders must be placed for the accurate unit of issue.

(3) Items requested should be in alphabetical order as set forth in supply catalog. Forms should be listed on a separate FD- 218.

(4) All FD-218s must include the quantity on hand and how long this quantity will last.

(5) All requisitions must be approved by the SAC, ASAC, Assistant Director or designated management representative in the "Approved By:" block. The Supply Technician must review and sign each FD-218 prior to submission to the Property Management Unit (PMU).

(6) Forward original and two copies of Form FD-218 to the PMU, Property Procurement and Management Section, Finance Division, Room 6823, JEH Building. One copy will be returned with the supplies. This copy must be signed by the employee receiving the supplies to verify receipt of goods and returned to Room 6823 within one week of receipt.

(7) Items that cannot be filled due to temporary stock depletions must be reordered with a tolerance of at least 60 days to allow for stock replenishment. Your division will be granted authority to purchase supply items locally when such items are not available from FBIHQ.

(8) For additional, detailed information regarding supply management matters, please refer to the SUPPLY MANAGEMENT MANUAL.

(9) Each field division is accountable for all supplies received from any source. The following three levels of supply should be maintained by each division's supply room at all times:

OPERATING LEVEL - This level is the amount of stock required by division to maintain at an operating level.

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LEADTIME LEVEL - This level is the amount of stock that should be issued while your order to FBIHQ or any supply source is being prepared and delivered.

SAFETY LEVEL - This level of stock should only be issued if all of the above levels have been depleted. (Please note that all stock items should be issued on a "first in -- first out" basis.)

When ordering supply items from FBIHQ or any supply source you must remember that if your leadtime and safety levels are below their required quantities, the order quantity must be increased to restore the stock to the adequate levels.

(a) A current record of all supply items must be maintained by each field division. This record should include the description and stock number, the quantity received and the quantity issued, the current quantity on hand and the individual receiving stock from your supply room. Form FD-303 (Stock Issue Record) should be used to capture this information for each item that is maintained in your division's supply room.

(b) The Historical Record, Form FD-299, will enable each Supply Technician to review, at a glance, the quantity that was ordered, the quantity that was received and the past usage (consumption). This record will allow the Supply Technician to determine the operating level, the leadtime level and the safety levels of each supply item. The Historical Record, FD-299, has columns for ordering and receiving. In transferring pertinent document numbers onto this form, it should be emphasized that when ordering on an FD-369, Requisition for Supplies and/or Equipment, the receiving document's number (purchase orders, etc.) will not be the same as the ordering document's number. The Historical Record should be used along with the Stock Issue Record.

(c) Expendable supplies must be kept under lock and key. They are issued as needed by an employee designated to do so. All property must be kept ready for immediate use. Inventory shall be performed annually. Employees participating in physical inventory shall not be the same individuals who are responsible for such property.

6-7.1.2 Requisition for Supplies and/or Equipment (FD-369)

(1) Used to order items appearing in the GSA Supply Catalog and for all other requests for supplies and equipment except those placed on Form FD-218, use for which is described in 6-7.1.1 of this section. Orders to be placed on staggered basis as indicated in item 6-7.1.1, above. The Supply Technician (property custodian) should retain the last copy (white) of Form FD-369 for record purposes and forward all other copies to the Property Procurement and Management Section. To assure that all requests are classified properly, it is necessary that the Supply Technician sign the requisition. (See MAOP, Part II, 6-7.1.6.)

(a) Form FD-369 must be approved by the SAC, ASAC, Administrative Officer, or at FBIHQ by the Assistant Director or Supervisor designated by him/her. Justification must be furnished and each office will be held personally responsible that all equipment and/or supplies requested is(are) necessary in the operation of the Bureau. All information available to your office should be indicated on your request such as: source of supplies, contract number, etc.

(b) All requests for the purchase of furniture should be submitted between 12/1 and 8/1 of each fiscal year (FY). Any requests received prior to or after the stated dates will be returned. Any deviation from this **MUST** be supported with written documentation.

(c) Requests for goods and services must be received on a timely basis in order that those actions may be conducted in accordance with applicable procurement procedures and regulations and completed by the end of the FY. Therefore, the following timetable for submission of FD-369's has been established: (See MAOP, Part II, 6-6.2(2)(h).)

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DEADLINE DATE	REQUEST TYPE	DOLLAR AMOUNT
07/01	Open Market	Over \$25,000
07/01	Open Market Automatic Data Processing (ADP) and Telecommunications	Up to \$25,000
07/01	General Services Administration (GSA), Federal Supply Schedule (FSS), ADP	Up to Maximum Order Limitation
07/01	GSA, FSS, Nonmandatory	Over \$50,000
07/01	GSA, FSS, Mandatory	Over \$250,000
07/15	Open Market Sole Source	Over \$25,000
08/01	GSA, FSS, Mandatory	Up to \$250,000
08/01	GSA, FSS, Nonmandatory	Up to \$50,000
08/01	Open Market (nonexpendable items, i.e., equipment, etc.)	Up to \$10,000
08/01	Open Market (nonexpendable items and expendable items, i.e., office supplies, paper, etc.)	\$10,000-25,000
08/01	Open Market (expendable items only)	Up to \$10,000

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08/01

Draft System

Up to \$2,500

These deadline dates constitute the minimum time required to complete an average procurement. Complex procurement actions may require more extensive timeframes and requesters should immediately discuss such situations with the Property Procurement and Management Section, Finance Division, in order to establish realistic procurement plans.

(2) Federal Standard Requisitioning and Issue Procedure (Fedstrip) and instructions for requisitioning GSA items

(a) All GSA items will be placed on Fedstrip, a system using data processing cards or tapes. The Fedstrip system will be handled from FBIHQ for all offices. FBIHQ will not issue purchase orders to GSA, but instead, cards or tapes will be prepared at FBIHQ and sent to the Fedstrip Data Processing Center.

(b) Fedstrip treats each item ordered as a single- line requisition and GSA Form 1348-1 will accompany shipment of material from GSA warehouses to your office. FBIHQ requires that one copy of GSA Form 1348-1 be properly acknowledged in space #7 of this form and promptly forwarded to FBIHQ upon receipt of the material. Other copies of this form may be disposed of by your office.

(c) Field offices will be required to acknowledge Fedstrip items. FBIHQ stock room will acknowledge receipt of FBIHQ and Legal Attache orders. All billings and payments will be handled at FBIHQ on Fedstrip items. Julian date is considered order number and each line-item is identified by serial number.

(d) GSA has assigned Fedstrip address codes for the Bureau's offices and FBIHQ; and codes for headquarters cities are listed below. Headquarters cities concerned should show this coding on their GSA requirements in space provided on FD-369. FBIHQ Fedstrip address codes will be inserted by the Property Procurement and Management Section. The Bureau internal code must also be shown at all times on requests from both FBIHQ and field offices.

(e) When requisitioning GSA Stores Stock items show National stock number, item number, and unit of issue exactly as they appear in the GSA Supply Catalog. Items should be listed in numerical order by National stock number. When GSA catalog shows the units in a standard pack, this quantity or multiples thereof must be used. All items should be priced and extended.

(f) Complete FD-369 as shown on the reverse thereof.

(g) After receipt of field requisitions at FBIHQ and approval thereof, a recap sheet showing the Fedstrip document number (includes ordering office, location of office, Julian date, and serial number), plus the National stock number and other data, will be forwarded for your records. Data processing cards covering this recap sheet will be forwarded at the same time by FBIHQ to the appropriate GSA regional office.

(h) When it is necessary to check on a discrepancy of line-item(s) ordered from GSA, the GSA Desk in PPMS should be contacted. Retain a copy of GSA Form 1348-1 pertaining to this line- item until the matter is resolved and forward all other copies to FBIHQ noting action to be taken.

(i) Items requested for delivery direct to resident agencies should be handled separately (FD-369 for each resident agency). Show address to which delivery is to be made; FBIHQ will insert Fedstrip number. Field office code should be shown.

(3) Fedstrip address codes

(FBI Headquarters)

Fedstrip Address Coding

935 Pennsylvania Avenue, N.W.

153101

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Field	Fedstrip	Field	Fedstrip
Headquarters	Address	Headquarters	Address
Cities	Coding	Cities	Coding
Albany	152302	Miami	154201
Albuquerque	157501	Milwaukee	155601
Anchorage	150100	Minneapolis	1563B1
Atlanta	1543EV	Mobile	154102
Baltimore	153201	Newark	152201
Birmingham	154136	New Haven	151101
Boston	151301	New Orleans	157201
Buffalo	152303	New York City	1532PC
Charlotte	154500	New Rochelle	1523KC
Chicago	155101	Norfolk	153303
Cincinnati	155502	Oklahoma City	157303
Cleveland	155501	Omaha	1565B1
Columbia	154607	Philadelphia	1524J6
Dallas	157401	Phoenix	159405
Denver	158250	Pittsburgh	152402
Detroit	155401	Portland	150400
El Paso	157404	Richmond	153302
Honolulu	159201	Sacramento	1591G5
Houston	157402	St. Louis	1564B2
Indianapolis	155201	Salt Lake City	158450
Jackson	154400	San Antonio	157403
Jacksonville	154200	San Diego	159103
Kansas City	1564B1	San Francisco	159104
Knoxville	154700	San Juan	15F301
Las Vegas	159301	Seattle	150500
Little Rock	157101	Springfield	155102
Los Angeles	159102	Tampa	154202
Louisville	155301	Washington, D.C.	1531G7
Memphis	154701	Quantico	153301

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(4) FBIHQ designates a computer printout entitled, "Fedstrip Order Report." This document serves as your purchase order on Fedstrip procurements. Along with this printout, you will be forwarded a copy of your FD-369. Pertinent data contained in this report will be as follows: national stock number, unit of issue, quantity, Julian date, serial number.

In an effort to ensure delivery of Fedstrip orders, the GSA Desk in PPMS should be notified of undelivered orders sixty days after the order date on all orders except furniture items. FBIHQ has provided cancellation lists, and in most cases, orders will be automatically resubmitted by FBIHQ without any action necessary by the ordering office. Items cancelled as obsolete will be returned to the ordering office to be bought through the Draft System or Imprest Fund Account, or resubmitted for open market purchase.

6-7.1.3 Deleted

6-7.1.4 Deleted

6-7.1.5 Requesting Printing, Binding, Duplicators and/or Related Equipment

The following instructions must be followed when requesting same:

(1) The Department of Justice in Department Memorandum No. 750 dated 5/7/71 concerning procurement authority and responsibility, advised FBIHQ that acquisition of equipment, such as above, cited in column 2 of the printing and binding regulations issued by the Joint Committee on Printing required prior approval by the Department of Justice. The Department has further instructed that criteria for justification must be furnished with each request for approval as follows but not limited to:

- (a) Present monthly volume
 - (b) Projected monthly volume
 - (c) Why you require special features in this equipment
 - (d) Cost per month
 - (e) Cost savings (if any) by changing equipment
 - (f) Any pertinent information that justifies the use of this machine
- (2) The above information in this exact format must be included in any request to FBIHQ for any additional or change in equipment listed above. Requests not complying with this instruction will be returned.
- (3) If purchase is approved for any of the above, FBI purchase order will be prepared or bids secured at FBIHQ. Prompt acknowledgment on the copy of FBI purchase order is necessary since discount invoices may be involved.

6-7.1.6 Local Purchases (See MAOP, Part 2, 6-3 and 6-9.)

(1) Draft System or Imprest Fund Account

(a) The Draft System or Imprest Fund Account may be used to purchase expendable supplies within prescribed cost limits which are not available through 6-7.1.1 or 6-7.1.2. When the Draft System or the Imprest Fund Account is utilized, the SAC is personally responsible for every transaction. Regulations governing the use of the Draft System and Imprest Fund Accounts are set forth in Part 2, 6-3.6 of this manual.

(b) Procurement authority must be obtained for all purchases in excess of \$500. (See MAOP, Part 2, 6-3.6.)

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(2) Deleted

(3) Reimbursable Work Authorization (GSA Form 2957)

It is necessary that the above-captioned form be submitted for all services and/or equipment requested from GSA. This form is nine pages with each page numbered and predesignated. Procedurally, the Form 2957 is initiated by the ordering agency and includes identifying data pertinent to the agency, as well as a description of the work. The agency identification number for each FBI office will be that number used by FBIHQ Accounting Section as set forth below.

FIELD OFFICE CODES USED BY ACCOUNTING SECTION

3010-Albany	3290-Houston	3580-Oklahoma City
3020-Albuquerque	3310-Indianapolis	3600-Omaha
3030-Anchorage	3320-Jackson	3620-Philadelphia
3040-Atlanta	3330-Jacksonville	3630-Phoenix
3050-Baltimore	3350-Kansas City	3650-Pittsburgh
3070-Birmingham	3370-Knoxville	3670-Portland
3090-Boston	3380-Las Vegas	3710-Richmond
3110-Buffalo	3390-Little Rock	3720-Sacramento
3140-Charlotte	3410-Los Angeles	3730-St. Louis
3150-Chicago	3420-Louisville	3750-Salt Lake City
3160-Cincinnati	3440-Memphis	3770-San Antonio
3170-Cleveland	3460-Miami	3780-San Diego
3180-Columbia	3470-Milwaukee	3790-San Francisco
3190-Dallas	3480-Minneapolis	3800-San Juan
3210-Denver	3490-Mobile	3840-Seattle
3220-Detroit	3510-Newark	3860-Springfield
3240-El Paso	3520-New Haven	3880-Tampa
3280-Honolulu	3530-New Orleans	3920-Washington
	3540-New York City	Metropolitan
	3540-3649-New Rochelle	Field
	3560-Norfolk	

(a) Each successive use of this form within a fiscal year should be numerically sequenced, e.g., 3010-F-1, 3010-F-2, 3010-F-3, etc.

(b) The block for the ordering agency authorizing official should be identified with the name of the agency contact above. Section I (Agency Copy) is torn off and the form forwarded to GSA which completes Section II on page 2, and removes page 2, returning remainder to your office.

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(c) Your office must forward the remainder (pages 3 through 9) to FBIHQ, Attention: Facilities Management Section, for review and funding. This Section will forward your request to Property Procurement and Management Section for approval of Section III. The Property Procurement and Management Section will detach and retain page 3 (Agency Copy) and will return remainder to submitting field office.

(d) The pages remaining (4 through 9) are in turn forwarded to GSA which, upon completion of work, will return page 8 (Agency Hold Copy) completed to field office.

(e) Further instructions on the proper submission of this form are listed on the reverse thereof.

(f) Upon completion of the work being performed, FBIHQ must be advised along with the last copy of work authorized for billing purposes.

(4) U.S. Government National Credit Cards (SF-149)

(a) This card may be used to purchase any of the following supplies or services for properly identified U.S. government vehicles, boats, or small aircraft:

1. For motor vehicles - regular and premium grade gasoline, leaded and unleaded; diesel fuel; regular and premium grade lubricating oil; lubricating services; oil filter elements; air filter service; tire and tube repairs; battery charging; washing and cleaning services; mounting and dismounting chains; permanent-type antifreeze; emergency replacement of defective spark plugs, fan belts, windshield wiper arms and blades; lamps; and other minor emergency repairs. Remote resident agencies may use the cards for preventative maintenance (PM) servicing but they should not be used in the larger metropolitan areas. A Blanket Purchase Agreement (BPA) should be established when doing PM servicing in the larger metropolitan areas. (See MAOP, Part 2, 6-8.5.)

2. For boats - regular and premium grade gasoline, leaded and unleaded; diesel fuel; and regular and premium grade lubricating oil.

3. For small aircraft - aviation fuel and lubricating oil.

Use of this card for other than official purposes as stated above is a criminal offense subject to fine and/or imprisonment.

(b) To obtain these credit cards or replacement cards for those that are broken, lost, stolen, or for newly acquired Bureau vehicles, contact should be made with the AMU, FBIHQ, by written memorandum. The field office will identify the card by Bureau car number (not by the field office car number) and why the card is being ordered. The AMU will order from the mandatory Federal Supply Schedule and the card(s) will be forwarded to the requesting field office by the authorized contractor. The cards should be verified immediately upon receipt. All broken, incorrect or expired credit cards should be destroyed within the field office and not forwarded to the AMU, FBIHQ, for destruction.

(c) Use of unassigned "ID" U.S. government national credit cards. Each field office is afforded a limited number of unassigned credit cards to be utilized as follows:

1. May be used as a temporary replacement card for those cards which are broken, lost, stolen, or expired.

2. May be used temporarily for newly acquired Bureau vehicles for which a card has been ordered but not received.

3. May be used for those rental vehicles which have been rented by overt means. Vehicles which are rented utilizing case funding are considered covert vehicles and cards may not be used for these vehicles.

(d) Prohibited uses of the U.S. government national credit cards.

1. May not be permanently assigned to any employee on an individual basis unless approved by the AMU, FBIHQ.

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2. May not be used by designated Bureau-owned undercover vehicles including those vehicles assigned to Special Operations Group, Special Operations Module, or Special Surveillance Groups.
3. May not be used for undercover rental vehicles. All fuel purchases for these vehicles will be made from authorized case funding.
4. May not be used for repairs over \$50.

(e) All other gasoline credit cards which have been issued in the FBI's name by the major oil companies are unauthorized and should be destroyed. If a field office is not able to utilize the U.S. government national credit card to purchase fuel in a geographical area, then written authorization must be obtained from the AMU, FBIHQ, to use other credit cards. Full justification must be included with this request. Undercover gasoline credit cards are exempted from the above criteria.

(5) Deleted

6-7.2 Deleted

6-7.3 Disposal of Supplies and Equipment

- (1) Any item that has been determined excess to the need of your division should be reported to PPMS, FBIHQ on Form FD-508. The FD-508 must include a description of the item, manufacturer, model number, national stock number and serial number, if appropriate.
- (2) Particular attention should be given to large volumes of property being excess at any one location at one time. To provide sufficient reporting and screening time, large volumes of property should be reported as excess, by execution of Form FD-508, a minimum of 8 weeks in advance of the expected disposition date.
- (3) It is especially important that property being declared excess to FBIHQ reflect the true condition of the property as of the date reported excess through assignment of the appropriate code designated below:

CONDITION	BRIEF	
CODE	DEFINITION	EXPANDED DEFINITION
1	Unused - Good	Unused property that is usable without repairs and identical or interchangeable with new items from normal supply sources.
2	Unused - Fair	Unused property that is usable without repairs, but is deteriorated or damaged to the extent that utility is somewhat impaired.

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3	Unused - Poor	Unused property that is usable without repairs, but is considerably deteriorated or damaged. Enough utility remains to classify the property better than salvage.
4	Used - Good	Used property that is usable without repairs and most of its useful life remains.
5	Used - Fair	Used property that is usable without repairs but is somewhat worn or deteriorated and may soon require repairs.
6	Used - Poor	Used property that may be used without repairs, but is considerably worn or deteriorated to the degree that remaining utility is limited or major repairs will soon be required.
7	Repairs required - Good	Required repairs are minor and should not exceed 15 percent of

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		original acquisition cost.
8	Repairs required - Fair	Required repairs are considerable and are estimated to range from 16 to 40 percent of original acquisition cost.
9	Repairs required - Poor	Required repairs are major because the property is badly damaged, worn, deteriorated, and are estimated to range from 41 to 65 percent of original acquisition cost.
X	Salvage	Property has some value in excess of its basic material content, but repair or rehabilitation to use for the originally intended purpose is clearly impractical. Repair for any use would exceed 65 percent of the original acquisition cost.
S	Scrap	Material that has no

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value except for its
basic material content.

(4) Excess FBI property is declared as such to the General Services Administration on SF-120 and your office is forwarded a copy of same. Under no circumstances should FBI property be destroyed, cannibalized or transferred to any location or agency without prior PPMS approval. When final disposition of the property has been determined by PPMS, your office will be provided with specific disposal instructions. After final disposition has occurred, you must advise FBIHQ, in writing.

(5) When disposing of property, as instructed by FBIHQ, all markings or wrappings identifying this property must be removed prior to disposition. When desks and other furniture or containers are declared excess, they must be searched by an Agent. The combinations to all safes must be reset to the standard combination of 50-25-50. At the time of disposal, this property must again be searched by the Supply Technician.

6-7.4 Sale of FBI Property

FBI employees are not permitted to submit bids, sealed or otherwise, incident to the sale of any FBI property. It should further be noted that no employee shall knowingly purchase FBI property that has been sold to an individual by the General Services Administration (GSA) or at GSA auctions. This policy does not apply to foreign gifts. Federal regulations allow recipient donors to bid on such property following conclusion of agency use and this practice is permissible.

6-7.5 Lost or Stolen Government Property/Lost or Stolen Personal Property in Government Space (See MIOG, Part 1, 52-1.3(2), 70-4(7); Part 2, 12-6.2 (9).)

(1) All government property reported lost or stolen and recorded on the Property Management Application must be reported to the employee's assigned division within five calendar days from the date of the event. All divisions have the responsibility of reporting the lost or stolen property to the PMU within ten calendar days from the date of the event. The property is to be reported on an FD-500, Report of Lost or Stolen Property form, and signed by the Accountable Property Officer for the division. (See also MAOP, Part 1, 1-3 (1).)

(a) All uniquely serialized government property reported stolen must be placed in the National Crime Information Center (NCIC). In addition, local law enforcement authorities should be also notified if concurrent jurisdiction exists. If stolen property is entered into NCIC, the date of loss or theft, and the NCIC number are to be recorded on the FD-500. The FD-500 is to include the details surrounding the loss or theft of the property and the Accountable Property Officer's recommendation(s).

(b) If reported stolen, all firearms and laptops must be entered into NCIC. The Accountable Property Officer of the division is responsible for ensuring that the Office of Professional Responsibility is notified by an electronic communication when firearms and laptop computers have been reported lost or stolen. An electronic communication is to be sent to the Security Division when laptop computers have been reported as lost or stolen.

(2) Department of Justice (DOJ) Order 2630.2A, "Protecting and Controlling Federally Controlled Property and Loss/Theft Reporting Procedures," requires the Security Programs Manager (SPM) to submit to the DOJ Security Officer a semiannual report containing the following information:

(a) Description, indicating if government or personal property; (See (3) (a) and (4) (a) below.)

(b) Serial number, if any;

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- (c) Dollar value;
 - (d) Date of incident;
 - (e) Location of incident;
 - (f) Results of any investigation conducted by the appropriate agency;
 - (g) Any corrective measures taken to prevent repetition; and
 - (h) Loss or theft of automated data processing (ADP) equipment shall also include the following:
 - 1. A copy of the Federal Protective Service or other investigative report.
 - 2. A statement from the owner/user of the ADP equipment categorizing the information stored on or processed by the equipment's ADP storage media and/or nonvolatile memory devices (for definition, see MIOG, Part 2, 35-12) as either National Security Information (NSI), Sensitive Information (also referred to as "Limited Official Use" or "Law Enforcement Sensitive" information), or nonsensitive information. Sensitive Information is unclassified information that requires protection due to the risk or magnitude of loss or harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information, e.g., proprietary information; investigative material; grand jury material; personal information subject to the Privacy Act of 1974; etc.
 - 3. If data was NSI or Sensitive Information, a written assessment reporting the impact of the data if accessed by unauthorized personnel must be prepared and submitted to the FBI SPM as soon as possible after the theft or loss incident. If the data was NSI, a damage assessment may also be required. Refer to MIOG, Part 2, Section 26-13.1, for requirements and instructions.
 - (i) Any special security problems (e.g., inadequate security being provided by a non-FBI contract guard service) which should be brought to the attention of the DOJ Security Officer.
- (3) To facilitate this process, each field office or Information Technology Center (ITC) is to establish an administrative control file specifically for the collection of the above data.
- (a) Upon verification of a loss or theft of government or personal property occurring in General Services Administration (GSA)-leased Bureau space, appropriate notifications as outlined in this subsection are to be made and a copy of a communication setting forth the data in paragraph (2), items (a) - (i), is to be placed in this control file.
 - (b) On December 1 and June 1 of each year, a summarization is to be prepared by the field office or ITC Security Officer, or other individual as designated by the division/office head, setting forth only the above data for each incident and covering only the preceding six-month reporting period. This information is to be submitted to the SPM, FBIHQ, by appropriate communication, which might include a routing slip enclosing a copy of the material prepared pursuant to paragraph (3)(a) above. This material is to be received by the SPM by December 15 and June 15 of each year.
 - (c) Bufile 66-HQ-19476 has been established for the collection of the above data for incidents occurring in a field office, resident agency, or GSA-leased off-site location. The original of the above summarization report is to be submitted by appropriate communication to FBIHQ, marked to the attention of the Security Programs Manager, and captioned "Semiannual Loss/Theft Report." This communication is to be received at FBIHQ within 14 days of the above deadline.
 - (d) In the event there is no incident to report, an appropriate communication setting forth this fact is to be submitted in accordance with the above deadline.
- (4) Bufile 62-122607 has been established for the collection of the above data for incidents occurring at FBIHQ or a GSA-leased FBIHQ off-site location.

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(a) In the event of a reportable loss or theft of government or personal property at FBIHQ, or at an off-site FBIHQ function in a facility leased or owned by GSA, appropriate notifications as outlined in the above subsection are to be made. A copy of the communication setting forth the data in paragraph (2), items (a) - (i), is to be prepared by the affected division/office, with a copy directed to the attention of the SPM for filing in Bufile 62-122607.

(b) On December 1 and June 1 of each year, a summarization is to be prepared by the division/office Security Officer, or other individual as designated by the division/office head, setting forth only the above data for each incident and covering only the preceding six-month reporting period. This information is to be submitted to the SPM, FBIHQ, by appropriate communication, which might include a routing slip specifically identifying or enclosing a copy of the material prepared pursuant to paragraph (4)(a) above. This material is to be received by the SPM by December 15 and June 15 of each year.

(c) To comply with the Departmental Order, on January 1 and July 1 of each year, a representative of the SPM shall prepare a report to be disseminated to the DOJ Security Officer summarizing fieldwide data concerning the loss and/or theft of government or personally owned property within Bureau space.

6-8 BUREAU VEHICLES

6-8.1 Assignment

SACs have the prerogative of assigning vehicles allocated to their division in such a manner as to support the investigative requirements. However, in order to ensure that vehicles are being properly maintained and serviced, each vehicle will be assigned to one primary operator. The primary operator will be ultimately responsible for ensuring the vehicle receives both scheduled preventive maintenance servicing within prescribed parameters and unscheduled repairs to maintain the vehicle in a safe and reliable operating condition. Supervisory personnel should periodically review the vehicle files to ensure compliance with scheduled preventive maintenance servicing.

6-8.2 Vehicle Utilization

(1) Form FD-73, Auto Record, will be completed for every vehicle assigned a Bureau car number and should be submitted monthly to appropriate field office personnel. For vehicles assigned to headquarters cities and Metropolitan Resident Agencies, an entry should be made on the form by the vehicle operator covering each period the vehicle is placed into operation. When the vehicle cannot be used due to servicing and/or repairs, an appropriate entry should be made indicating the date(s) and time the vehicle was unavailable for use. Vehicles assigned to resident agency (RA) cities, special operations groups (SOGs) and/or undercover operations are not required to complete the daily utilization portion of the form, but should ensure that all repairs and servicing performed by COMMERCIAL VENDORS are recorded under the "Maintenance Problems" portion of the form. (See 6-8.6(2) for storage in RA cities.) If the Form FD-73 is maintained by the Radio Dispatcher, the principal operator assigned to the vehicle must ensure that the "End of Month Odometer" and "Last Preventive Maintenance Mileage/Date" portions of the form are completed. The designated field office personnel should receive the forms no later than five working days after the end of the reporting month to record the pertinent data. The FD-73 should be maintained in an easily accessible location and may be destroyed after three months. Vehicles assigned to sensitive Group I or foreign counterintelligence undercover operations, that could be jeopardized by maintaining and submitting an FD-73, are exempted. (See MAOP, Part II, 6-8.6, 6-8.7.)

(2) Bureau vehicles may be used to transport ill or injured employees to a hospital or health-care facility, but not to their place of residence (see Part I, 1-3.1(8) of this manual).

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6-8.2.1 Vehicle Utilization in a Foreign Country

(1) Any Bureau vehicle that is to be operated in a foreign country must be covered by a valid liability insurance policy. This private insurance is necessary because the FBI offers no insurance that would cover property damage and/or personal injury to third parties resulting from the negligent operation of Government or privately owned vehicles by a Bureau employee while on official business in a foreign country. (The Federal Torts Claims Act (FTCA), Title 28, United States Code (USC), Sections 1346 (b), and 2671 ET SEQ. specifically states in section 2680 (k) that the FTCA does NOT apply to any claim arising in a foreign country. This is confirmed by the case law (UNITED STATES V. SPELAR, 338 U.S. 217, (1949); MEREDITH V. UNITED STATES, 330 F. 2d 9 (9th Cir. 1964), CERT. DENIED, 379 U.S. 867).) (See MAOP, Part I, 12-4, Part II, 6-2.2.5; Legal Attache Manual, 2-21 & 5-5 (4).)

(2) Further, the Department of Justice Appropriation Authorization Act expressly authorizes expenditures for the purchase of insurance for the operation of motor vehicles in foreign countries on official business.

Any field division that requires this liability insurance protection should perform the following:

- (a) Determine the number of official vehicles that routinely need to travel into this foreign country.
- (b) Obtain three bids from insurance companies that do business in this foreign country to insure these vehicles.
- (c) Submit these bids along with a completed Requisition for Supplies and/or Equipment (FD-369) to FBIHQ, Attention: Finance Division, Room 6863.

Upon receipt of these bids, FBIHQ will issue a purchase order number for the payment of these policies.

6-8.3 Servicing and Maintenance (See MAOP, Part 2, 6-5.)

(1) The primary vehicle operator must ensure that the vehicle receives scheduled servicing and maintenance in a timely manner. On a daily basis vehicle operators are responsible for ensuring that:

- (a) Tires are properly inflated.
- (b) Vehicle has an adequate fuel supply for emergency response.
- (c) Oil and fluid levels are properly maintained.
- (d) Overall exterior and interior of the vehicle are clean.

Vehicle operators are authorized to have performed emergency road repairs costing up to \$750 based on SAC authority; however, this does not include body damage repairs. Authorization must be received from appropriate supervisory personnel prior to any regular repairs to ensure that the repairs are not covered under a repair and/or new car warranty. All repairs costing \$750 or more must have prior authorization from either the Procurement Unit, FBIHQ, or any other field personnel having a delegation of procurement authority. See MAOP, Part 2, Section 6-8.5 for detailed requirements for vehicle repairs.

(2) Every Bureau vehicle is required to adhere to the Preventative Maintenance (PM) program set forth herein. All vehicles in field offices with automotive maintenance facilities will have scheduled PM servings performed in-house unless the vehicle is assigned to an undercover operation, SOG, or a remote RA. Field offices without repair facilities, remote RAs and SOGs should choose an automotive repair facility to perform the scheduled maintenance based upon convenience, cost, prompt service, and reliability. Once a commercial vendor has been selected, the PPMS, Finance Division, should be contacted to set up appropriate reimbursement procedures.

(a) The Automotive Maintenance Employee (AME) or other designated individual will review the Form FD-73 to determine if any vehicles have exceeded prescribed servicing parameters or will require PM servicing within the next month. Vehicle operators and/or their supervisory personnel will be notified to schedule these

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vehicles for servicing. Each field office should implement follow-up procedures for ensuring that vehicles receive the required PM servicing. The parameters set forth herein for scheduled maintenance and servicing are maximum parameters and should be adjusted for vehicles subjected to extreme weather conditions, extensive idle time or other conditions which would require more frequent servicing.

(b) Unless noted otherwise, every 7,500 miles or six months (whichever comes first) a complete PM servicing, which must include all ten items listed below, will be performed on every Bureau vehicle. For vehicles assigned to Special Operation Groups, Special Operation Modules, Special Surveillance Groups, and vehicles used extensively for surveillance purposes, PM servicing should be performed every 3,000 miles. Limited usage specialty vehicles and vehicles not driven on a daily basis [REDACTED] should be considered under the normal 7,500 -mile servicing. Timely PM servicing is considered to be within 500 miles of the PM servicing parameters (i.e., 3,500 for 3,000 and 8,000 for 7,500).

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This does not preclude any office or the Automotive Maintenance Employee (AME) from doing the required PM servicing at 3,000 or 4,000- mile intervals.

1. ENGINE OIL AND FILTER CHANGE - Oil filter change intervals should be increased if a vehicle is subjected to extreme weather conditions or dusty areas. Under these conditions, change engine oil and filter every 3,000 miles or three months, whichever comes first. Inspect the air filter at each oil change and replace as necessary not to exceed 20,000 miles.
2. CHASSIS LUBRICATION - Lubricate all grease fittings in the front suspension and steering linkage. Lubricate all hinges (doors, hood, deck lid), transmission shift linkage, parking brake cable guides and linkage, throttle linkage, and manifold control valve.
3. FLUID LEVELS - Check the fluid level in the brake master cylinder, transmission, power steering pump, radiator (ensure engine freeze protection is at least at lowest expected outdoor temperature prior to cold weather), rear axle differential, battery, and windshield washer. Add fluid as required, but large fluid loss in any of these units may indicate a more severe problem.
4. ENGINE DRIVE BELTS - Inspect all belts for cracks, fraying, wear and proper tension. Adjust or replace as required.
5. BRAKES - Inspect disc brake pads and drum brake linings for wear and rotors and drums for surface condition when wheels are removed or at least every 15,000 miles. Check parking brake adjustment and inspect brake cylinders, lines and hoses for proper hook-up, binding, leaks, cracks, etc. Replace and/or repair as necessary.
6. TIRES AND WHEELS - Rotate tires at 5,000 miles and every 10,000 miles thereafter. Check tire inflation pressure (including spare) and adjust according to specifications. Check for abnormal wear. (Balance tires and align front end as required.)
7. STEERING, SUSPENSION AND FRONT DRIVE AXLE BOOTS AND SEALS - Inspect front and rear suspension and steering system for damage, wear, or lack of lubrication. Inspect power steering lines and hoses for leaks, cracks, etc. On front drive axles, inspect for torn, damaged or leaking boots. Repair or replace parts as required. Shock absorbers should be replaced as required.
8. EXHAUST SYSTEM - Inspect the complete exhaust system, including catalytic converter, for broken or damaged parts as well as open seams, holes or loose connections which could cause exhaust fumes to seep into the passenger compartment or trunk.
9. COOLING SYSTEM - Inspect hoses and clamps for condition and coolant for strength and cleanliness. Ensure that air conditioning system is operating properly; check for leaks, cracks and excessive wear.

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10. LIGHTING AND OTHER ELECTRICAL EQUIPMENT - Check for proper operation of all interior and exterior lights, turn signals, emergency flash, parking and backup lights, windshield wiper and washers, horn, and dashboard warning lights.

(c) The following scheduled maintenance will be performed on every Bureau vehicle at least within the parameters set forth:

1. Carburetor and fuel injection - Every 30,000 miles or 24 months, check for proper operation of choke and vacuum break and inspect hoses for cracks, decay, etc. Adjust engine idle speed to manufacturer's specifications. (If no specifications are published, no adjustment is necessary.)
2. Ignition system - Every 30,000 miles or 24 months, replace spark plugs with the type recommended by the manufacturer. Clean and replace spark plug wires as needed and inspect for burns, cracks or other damage. Inspect the distributor cap and rotor, if applicable, for cracks, carbon tracking and corrosion. Adjust timing to manufacturer's specifications. Replace parts as required.
3. Emission Control - Every 30,000 miles or 24 months, replace PCV valve; replace air filter and PCV filters; conduct Exhaust Gas Recirculation (EGR) operation system check and cleaning as covered in service manual.
4. Wheel Bearings (Rear Wheel Drive Vehicles) - Clean and repack front wheel bearings at each brake relining or 20,000 miles, whichever comes first.
5. Transmission - Change both the fluid and filter (or service the screen) every 30,000 miles for automatic transmission.
6. Every 24 months or 30,000 miles, drain, flush and refill cooling system with new coolant and test system and cap for proper pressure capacity.

(d) All servicing and repairs performed by AMEs will be recorded on an FD-381, Motor Vehicle Work Order. The form is composed of an original and two copies. For nonwarranty work, the original will be maintained as a serial in the vehicle file and a copy may be maintained by the AME. If a warranty claim is to be made, the original copy of the form will be forwarded to FBIHQ, a copy routed to the vehicle file and the AME may maintain a copy.

(e) A copy of every in-house and/or commercial work order should be maintained as a serial in the appropriate vehicle file.

(f) Deleted

6-8.4 License Plates

A record should be maintained in each office showing all current license plates issued for official vehicles and a positive check should be made monthly to account for all such license plates.

[REDACTED] should be afforded adequate security and care should be utilized to assure the proper disposition of license plates attached to Bureau vehicles disposed of by sale.

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6-8.5 Repairs and Operations (See MAOP, Part 2, 6-7.1.6(4)(a)1. & 6-8.3.)

(1) Repair of general investigative and miscellaneous vehicles (no undercover).

(a) All offices have United States Government Credit Cards (SF-149) for purchases of gasoline, oil and minor (under \$50) emergency repairs. All other repairs should be handled as set forth below:

1. Repairs of \$750 or less - Under SAC authority, the Third-Party Draft may be utilized for all repairs of \$750 or less without prior FBIHQ approval.

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2. Repairs between \$750 and \$2,500 - All vehicle maintenance repairs between \$750 and \$2,500 must be approved by those personnel who have a delegation of procurement authority. Personnel assigned to the Procurement Unit, FBIHQ, or the field office's Administrative Officer may approve use of the Third-Party Draft for payment.

3. For repairs over \$2,500 - An FD-369, Requisition for Supplies and Equipment, must be forwarded to the Procurement Unit for issuance of a U.S. government purchase order number prior to the repairs being performed. Three repair estimates are required for repairs over \$2,500 and these should be attached to the FD-369. If competition is not obtained, then complete justification must be submitted with the FD-369. If the lowest bidder is not chosen to perform the repair work, then a detailed justification must also be submitted with the FD-369. For emergency repairs over \$2,500, if possible, contact must be made with the Procurement Unit prior to the work or service being performed.

4. Body damage repairs over \$500 - All body damage repairs over \$500 must have the approval of the Fleet Management and Transportation Services Unit (FMTSU) and authorized procurement personnel. For damages under \$2,500, only one repair estimate is required as long as the price is determined to be fair and reasonable. After appropriate review by FMTSU personnel, proper procurement approval may be obtained from authorized procurement personnel. For body damage repairs over \$2,500, an FD-369 with three repair estimates must be forwarded to FBIHQ for issuance of a U.S. government purchase order. Sole source justification is a requirement if competition is not obtained or the lowest bidder is not selected to perform the repairs. In these cases, detailed justification must accompany the FD-369.

(2) Repair of Special Operation Group (SOG), Special Operation Module (SOM), and Special Surveillance Group (SSG) Vehicles - All repair estimates for SOG, SOM, and SSG vehicles (both body damage and general maintenance) must be obtained [REDACTED] Repairs under \$2,500 must be authorized by either personnel assigned to the Procurement Unit or the field office's Administrative Officer. For all repairs over \$2,500, three estimates should be forwarded to the FMTSU in order that proper procurement authorization may be obtained. If competition is not obtained, then sole source justification must be documented before approval is given. All repairs for SOG, SOM, and SSG vehicles will come from their appropriated funding.

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(3) Repair of Other Undercover Vehicles (not rentals) - All repair estimates for all other undercover vehicles, with the exception of SOG, SOM, SSG, and authorized covert rental vehicles, must be obtained [REDACTED] Repairs up to \$2,500 may be approved by the field office's Administrative Officer or the Procurement Unit. For repairs over \$2,500, three repair estimates must be forwarded to the FMTSU for review and final approval by either the Procurement Unit, FBIHQ or any other field personnel having a delegation of procurement authority. All repair costs for undercover vehicles will be charged to the appropriate case account.

(4) Repair of Rental Vehicles - If an authorized rental vehicle requires either maintenance or body damage repair, then an assistant division counsel should review the vehicle rental agreement to determine who is responsible for making repairs. Most rental vehicle contracts stipulate that the owning vehicle agency must make all repairs, whether maintenance or body damage. For vehicles which have been rented overtly, either through issuance of a U.S. government purchase order or the vehicle is rented under the FBI name, the FMTSU should be advised by written communication requesting approval with supporting documentation regarding the repair. Supporting documentation shall include a readable and complete copy of the rental agreement, summary of how the damage occurred if repair is for body damage, and assistant division counsel's insert on review of the rental agreement. Vehicles which are rented utilizing case funds are considered undercover vehicles. All expenses regarding these covert rental vehicles for maintenance, body damage, theft, or loss will come from the appropriate case account. Authorization for payment out of cases must be approved by the FMTSU.

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(5) Before payment for repairs, it must be confirmed to FBIHQ that repairs were completed satisfactorily. In that regard, the vendor should submit an invoice to the field office having the work done. That division should sign the vendor invoice indicating the work was satisfactorily finished. The field office should thereafter submit the invoice to the Commercial Payments Unit, Accounting Section, Finance Division, for payment unless payment can be authorized utilizing the Third Party Draft. For those repairs where a U.S. government purchase order has been issued authorizing the repair, invoice must be forwarded to the Commercial Payments Unit for payment. Justification for replacement of windshield or other glass on Bureau vehicles need not be furnished to FBIHQ unless breakage resulted from employee negligence or a vehicle accident.

(6) A copy of each invoice for each repair and service provided, except gasoline receipts, for each Bureau vehicle must be retained from the date of acquisition to the date of disposal of the vehicle. Work orders of Bureau mechanics for all repairs and services to each vehicle showing service or repair provided, date provided, material and parts used, and identity of the vehicle must also be retained for entire period vehicle is in the Bureau's possession. If the Bureau vehicle is transferred from one office to another, these records are to be transferred with the vehicle. These records are to be destroyed three years after the vehicle has been disposed of, except in cases in which a lawsuit is pending or may be filed as a result of an accident involving a particular vehicle. (See MAOP, Part 2, 6-8.12 & 6-9.2.6.)

6-8.5.1 Monthly Motor Vehicle Report Vehicle Management Application (VMA) Manual Reporting System (Form FD-111)

(1) All automotive costs must be entered into the Vehicle Management Application (VMA) by the 16th of the month immediately following the reporting period. Field offices using the VMA are not required to use the FD-111. For the Legats without FBINET capability, the manual Form FD-111 must be submitted to the AMU, Finance Division, FBIHQ, by the 16th of the month. Vehicles used in an undercover capacity are exempt from reporting this information to the Division Automotive Clerk if his/her knowledge will jeopardize the security of the operation. In those instances AMU, Finance Division, FBIHQ, should be contacted to make appropriate arrangements for transmittal of this confidential information.

(2) The monthly motor vehicle report shall include all vehicles that are assigned Bureau car numbers and are not in storage or awaiting sale by the General Services Administration (GSA). This includes vehicles procured by the FBI that are new, used, or forfeited to another government agency and procured by the FBI. Excluded are semitrailers, trailers, and other trailing equipment that are not equipped with a powertrain. Report only those vehicles that are assigned to your division on the last day of the reporting month. If a vehicle is transferred from your division, all cost information and the vehicle file should accompany that vehicle to the division receiving the vehicle.

(3) For Legats submitting the FD-111, vehicles should be reported in order of year of make from oldest to latest by Bucar number. Vehicles need not be separated by make and type of vehicle.

(4) Report mileage in whole numbers and cost data to the nearest dollar.

(5) The total monthly obligated expenditures should be entered into the VMA; do not wait for receipt of the invoice. If the actual invoice shows a different cost, it should be corrected on the subsequent month's entry in the VMA.

(6) An itemization of the data to be included on the monthly motor vehicle report follows:

(a) Indirect Costs Associated with Motor Vehicles.

1. Field Office - Self-Explanatory.

2. Month - Enter month that the expenditures reported were made.

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3. Labor Costs - Include salary cost of time spent by supervisory, clerical and custodial employees who spend 25 percent or more of their time on motor vehicle activities. (Include any portion of an Automotive Maintenance Employee's (AME's) monthly salary that is not included under Direct Labor costs on the monthly motor vehicle report.)

4. Material Costs - Include the costs of motor oil, lubricants and fluids that are not charged as direct expenses when a work order is issued and are not readily identifiable with a specific vehicle. Include all preexpensed items (i.e., clamps, hoses, fuses, light bulbs, etc.).

5. Tools and Equipment - Cost of all automotive repair tools and equipment and any costs associated with repairing, maintaining and operating these tools and equipment.

6. Rental of Space - Include monthly rental for parking facilities and shop space or the Standard Level Users Charge (SLUC) when GSA owns or leases the space. The office's Administrative Officer will have the SLUC printout, which is provided by GSA. (See MAOP, Part 2, 2-1.2.8, 2-1.2.10 & 6-5.1.)

7. Miscellaneous - Include the cost of such items as custodial supplies, solvent, laundry, utility costs, capital improvements to facility, office supplies, and other items not included above or charged to direct operating costs.

(b) Bucar Number. Report the entire six-digit Bucar number, excluding any alphabetic character, for all vehicles assigned to your division.

(c) Odometer. Record the odometer reading for each vehicle at the end of the reporting month.

(d) Deleted

(e) Lubricants, Oil, Fluids - If a repair order is issued (i.e., during a regular preventive maintenance oil change), include cost of oil, fluids, and lubricants in this column. If a repair order is not issued, charge as a miscellaneous indirect cost.

(f) Tires

1. Material - Include cost of replacement tires, snow and studded tires; deduct adjustments or returns.

2. Labor - Include charges for mounting, balancing, tire rotation and repairs in either the commercial or government labor column. Do not include alignment charges.

(g) Commercial Costs - Performed by Commercial Sector

1. Material - Include the cost of all replacement parts installed by a facility other than an FBI facility when a commercial work order (invoice) is issued and can be attributed to a specific vehicle.

2. Labor - Include the cost of all labor for maintenance and repair of a vehicle by a facility other than an FBI facility when a commercial work order (invoice) is used and can be attributed to a specific vehicle. This includes emergency repairs charged to a government credit card.

(h) Government Costs - Performed by Government Personnel

1. Material - Include the cost of all replacement parts for work accomplished by any FBI maintenance facility which can be attributed to a specific FBI-owned vehicle and is reported on an in-house work order.

2. Labor - Include the cost of all labor for the maintenance and repair of a vehicle by any FBI maintenance facility which can be attributed to a specific FBI-owned vehicle and is reported on an in-house work order. Labor should be reported to the nearest half hour. The hourly wage for any mechanic is determined by adding 10 percent to the mechanic's salary and dividing by 2,087 hours per year, i.e., (annual salary + 10 percent) divided by 2,087 ($24,044.80 + 2,404.48$) divided by 2,087 = hourly wage (\$12.67).

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(i) Accident Repairs - Include all labor, materials, towing, and other expenses resulting from an accident. Deduct payments from insurance companies or others making payments regardless of the date of accident. Include payments for work not performed.

(j) Miscellaneous - Include any items that can be attributed to a specific vehicle that are not covered elsewhere, such as floor mats, chains, washing and waxing, body maintenance, towing, special equipment, modifications to vans, etc.

(k) Deleted

6-8.6 Storage

(1) Garage vehicles at night. Bureau vehicles must be stored by Agents on road trips and in cities in which there is no contract garage and by Resident Agents in a safe and secure manner.

(2) Wherever possible, the contract garage, whether in headquarters city or in resident agencies, should be one not requiring that keys be left in the vehicle or in the garage accessible to non-FBI personnel. If such arrangement is not possible, prior FBIHQ notification supported by adequate justification must be given as part of the vehicle security system. In addition, whenever the resident agency vehicles must be stored in space necessitating either leaving keys in the vehicle or overnight in a garage accessible to non-FBI personnel, the daily utilization portion of the FD-73, Auto Record, must be completed. (See 6-8.2, above.)

6-8.7 Security of Bureau Vehicle Equipment

SAC has primary and continuing responsibility for security of Bureau vehicular equipment throughout field office territory. SAC must ensure adequate procedures exist covering headquarters and resident agencies, that these procedures are followed, and that system is evaluated to detect and prevent weaknesses. (See 6-8.2 and 6-8.6 for further details.)

6-8.7.1 Security of Undercover and Surveillance Vehicles

(1) [REDACTED]

(2) Each field office will establish a security policy regarding parking of confidential fleet vehicles. This policy will set forth the circumstances under which an Agent working in a covert assignment has a need to be in the field office headquarters as well as the availability of commercial parking in the immediate vicinity of the field office. The policy will be made available to all Agents and reviewed periodically by the SAC when circumstances warrant change.

(3) [REDACTED]

6-8.8 General Standards for an Automotive Maintenance Facility (AMF)

(1) CRITERIA FOR ESTABLISHING A NEW AMF

(a) Ensure that there is no plan to relocate the field office in the future. Appropriate contact should be made with GSA regarding possible locations for a repair facility in the vicinity of the field office. Estimates as to the lease/purchase of the facility should be obtained if possible. It should be noted that all acquisitions of new office space must be coordinated through the Space Management Unit, Personnel Division, FBIHQ.

(b) A review of all commercial vehicle maintenance costs for the field office over the last three fiscal years should be conducted. All blanket purchase agreements (BPAs) should be included in the total cost review. The field office should also include any nearby resident agency vehicles when analyzing costs.

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(c) A cost survey for commercial labor rates should be performed. This should include labor rates from dealerships, service stations, and other local and national repair facilities. Contact should be made with the Pay Administration and Support Staffing Unit, Personnel Division, FBIHQ, for applicable government wage grade labor rates for your location. This data should be used in the evaluation process based on pay comparison.

(d) A list of required equipment and tools necessary to open the AMF should be made. The specific equipment required will be based upon the size of the facility, the number of automotive technicians and their skill levels.

(e) Review the distances commercial repair facilities are located from the field office. Calculate the Special Agent (SA) downtime associated with taking the vehicle to be repaired to the repair shop and having another SA bring him/her back to the field office. This can be done by using the hourly pay rate of a GS-13 SA. Be sure to double the cost total to ensure that the return trip to the repair shop to pick up the vehicle is captured.

(f) Once a cost analysis and comparisons are complete, develop a list of the intangible benefits that can be received from establishing an AMF. This list can include, but is not limited to, the following:

1. Our own AMF allows for routine maintenance and repairs to be established with greater flexibility around an SA's workday.
2. There is less SA downtime since they do not have to take the vehicle to a commercial repair shop.
3. Immediate unscheduled routine repairs can be completed faster. If an SA needs a headlight, wiper blades, coolant or tire change, he/she can pull into the AMF and be back out on the road performing his/her investigative mission.
4. Many AMFs have towing capabilities and can respond immediately on breakdowns. This can be a benefit when an SA experiences an after-hours breakdown.
5. Many vehicles are equipped with voice privacy radios, cellular telephones and other sophisticated telecommunications equipment. Many commercial repair facilities do not have the skills to diagnose electrical problems caused by this equipment.
6. We have warranty repair capabilities in our AMFs. Our automotive technicians can perform warranty work immediately, as opposed to calling a dealer and scheduling the work in what may be days later.
7. Increased security by having repairs performed at an AMF for selected vehicles. This could be important based upon the mission of the SA.

(2) CRITERIA FOR PREVIOUSLY ESTABLISHED AMFS

For field offices having previously established AMFs, a cost benefits/intangibles review should be conducted whenever the lease for the AMF comes up for renewal. This should include:

(a) A review of all FD-381 work orders filled out by the automotive technician(s). The cost of various repairs or servicing should be compared with the costs of having the repairs performed commercially to ensure that it continues to be cost effective to maintain the AMF. Routine repairs such as brakes, preventative maintenance, tire costs, tuneups and electrical work should be compared to commercial costs.

(b) Conduct a review by contacting SAs in the office to ensure that the intangible benefits that we should be getting are being realized.

6-8.9 Excess and/or Seized Property

(1) EXCESS - Any personal property under the control of any federal agency which is no longer serviceable, has been replaced, or for any reason is no longer being fully utilized.

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(a) Excess property may be obtained through interdepartmental transfer by dealing directly with the entity within the other agency. The only exception will be if there is a pending court case, at which time General Services Administration would make application to the courts on behalf of the FBI.

(b) Transfers of excess property would be handled on SF-122.

(2) SEIZED - Property for which the U.S. government does not have title, but which the government has obtained custody or control of in accordance with certain statutes.

(a) If the Bureau seizes the property and does not wish to retain it, the U.S. Marshals Service must be so advised.

(b) Seized property may be obtained through interdepartmental transfer after forfeiture by dealing directly with the entity within the other agency.

(3) Vehicles under both categories may be obtained through interdepartmental transfer by dealing directly with the entity within the other agency and the only exceptions will be -

(a) If there is a pending court case, at which time General Services Administration would make applications to the courts on behalf of the FBI.

(b) If the Bureau seizes the vehicle and does not wish to retain it, General Services Administration must be so advised.

(4) All other transfers of this type would be handled on SF-122. In accordance with the Federal Property Management Regulations 101-43.4, an agency may retain a seized or excess vehicle, devoting it to official use only. Therefore, it loses its identity as forfeited or voluntarily abandoned property and should be considered property of the FBI.

6-8.9.1 Seized Vehicles (See MAOP, Part 2, 6-8.9.2 (4).)

(1) Vehicles used in violation of certain statutes may be forfeited to the United States. The relevant statutes over which the FBI has investigative jurisdiction are: Title 18, USC, Section 1955(d) - Prohibition of Illegal Gambling Businesses; Title 18, USC, Section 1963 - Racketeer Influenced and Corrupt Organizations (RICO); Title 21, USC, Section 848 - Continuing Criminal Enterprise (CCE); Title 21, USC, Section 881 - Controlled Substances Act; Title 18, USC, Section 981 - Money Laundering; Title 18, USC, Section 512 - Motor Vehicle Theft Law Enforcement Act of 1984; Title 21, USC, Section 955d - Drugs and Related Assets On Board Vessels; Title 49, USC, Section 782 - Conveyances Transporting Contraband. After forfeiture is complete, the FBI may retain suitable vehicles for official use.

(2) If an automotive vehicle is seized for forfeiture, it should be reported on a Seizure Form (a form generated by the Department of Justice Consolidated Assets Tracking System computer database). See manual entitled "Forfeiture Manual." The record of the vehicle seizure should be forwarded to FBIHQ, Forfeiture and Seized Property Unit, Finance Division (FD), by the field office Paralegal Specialist.

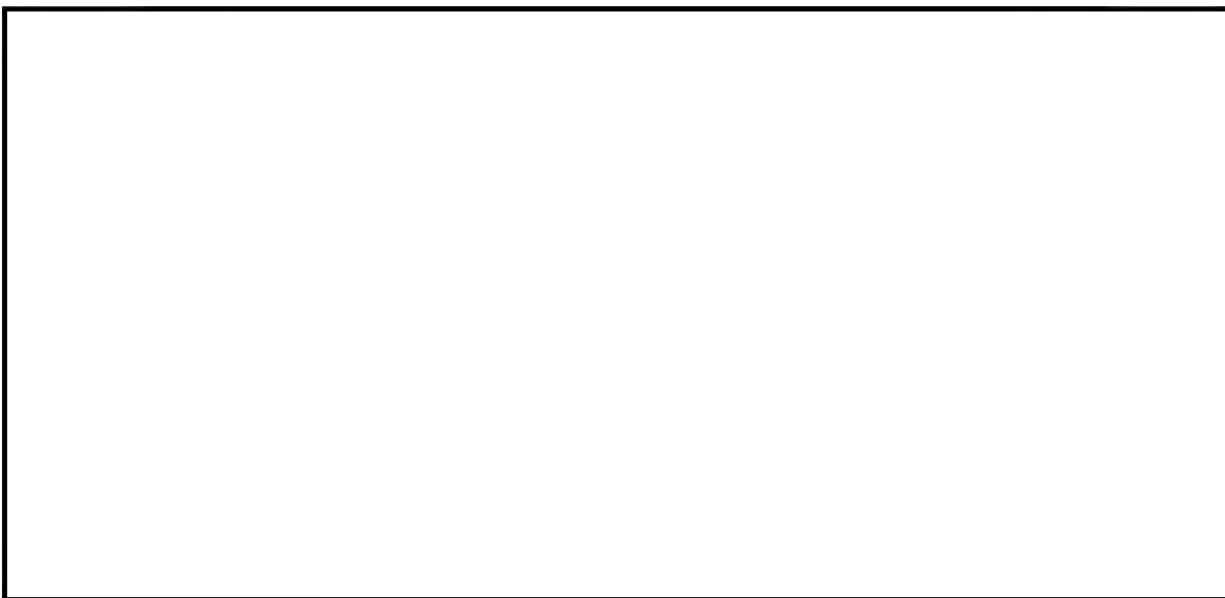
(3) The Forfeiture and Seized Property Unit, FD, in conjunction with the Legal Forfeiture Unit, Office of the General Counsel, will make a determination, based on data reported, as to whether the seized vehicle should be forfeited to the FBI.

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(7) Deleted



(10) Use of seized vehicles prior to the completion of the forfeiture process and receipt of written authorization from FBIHQ is prohibited, except for maintenance of vehicles in storage. The following guidelines are set forth:

- (a) All fluid levels must be checked when placing the vehicle into storage.
- (b) The battery cable should be disconnected to prevent a drain on the battery except when the vehicle alarm is powered by the battery.
- (c) The vehicle should be started once every month and if circumstances allow, the vehicle should be driven for 1/2 to 1 mile.
- (d) The vehicle should be checked periodically for leaks.
- (e) The oil and other fluids should be changed prior to placing the vehicle into service.
- (f) All belts and hoses should be checked prior to placing the vehicle into service.

6-8.9.2 Excess Vehicles

(1) The General Services Administration (GSA) maintains control of all government property including vehicles which are declared excess by other agencies. It is the function of GSA to screen, list, release, and sell such property. GSA is divided into ten regions and the National Capitol Region (NCR). Located within each region are Area Utilization Officers (AUO) whose functions include screening and listing the excess property located in government installations. This information is then supplied to one of the ten regional offices, which in turn will make the information available to interested agencies.

(2) Each field office located in a GSA Regional Office City should appoint a liaison representative to maintain direct contact with the AUO and determine when excess vehicles are available, where they are located

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within the region, and the procedures for screening these vehicles. Preferably, personnel associated with undercover activities within the office should be designated as the liaison. When possible, the Automotive Maintenance Employee (AME) should accompany the liaison personnel when screening vehicles. Close personal contact with AUO will greatly assist your office in locating suitable vehicles.

(3) When a field office locates an excess vehicle suitable for use, notify FBIHQ, Attention: Property Procurement and Management Section, Finance Division, by electronic communication setting forth the following vehicle data:

- (a) Year/Make/Model
- (b) Vehicle Identification Number (VIN)
- (c) Description of vehicle (including all optional equipment)
- (d) Holding Agency (Include ZIP Code)
- (e) Location of property (Include ZIP Code)
- (f) Contact Agent of Holding Agency
- (g) GSA Excess Number or Agency file number
- (h) Mileage
- (i) Condition of vehicle
- (j) Existence of probable lien or storage costs and dollar (\$) amount of same
- (k) Color
- (l) Anticipated cost of repairs required to ensure the vehicle is in safe and dependable operating condition.

A field office requesting that the vehicle be assigned to an operation within their division should also include complete justification for retention of the vehicle. All requests to retain excess vehicles within the division must be reviewed and approved by the Undercover Coordinator within the field office.

(4) Upon receipt of this information at FBIHQ, the Finance Division will initiate the necessary steps with GSA to acquire the vehicle if it is cost effective to assimilate the vehicle into the FBI's automotive fleet. Assignment of excess vehicles is made in accordance with the prioritized ranking as set forth in Part 2, 6-8.9.1 of this manual.

6-8.10 Rental of Motor Vehicles (See MAOP, Part 1, 12-2.2.1(7) and Part 2, 6-1.2.3.)

(1) Rental of motor vehicles is authorized when necessary to support field office operations [REDACTED]

[REDACTED] Whenever it's anticipated use will exceed 30 days or the cost exceeds \$1000 per rental cumulative per case, prior Procurement Unit, FBIHQ authority must be obtained. Payment for these rentals can be made through the Third-Party Draft using authorized case funding. The SAC should assure that rental of any motor vehicle is completely justified. Rentals of vehicles for 30 days or less per assignment, but at a cost of more than \$1000, must be approved by personnel having delegation of procurement authority.

Each field office shall establish an administrative control file, designated Universal Case File Number 66-HQ-19482, in which copies of all requests for rental or leased vehicles will be filed. This control file should contain copies of the following documents as appropriate: the FD-794, Draft Request Form, along with the justification memorandum for SAC-authorized rentals, a copy of the communication to the substantive desk at FBIHQ requesting authority to rent or lease a vehicle(s) on a long-term basis, and a memorandum

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documenting [REDACTED]
[REDACTED]

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(2) For rental or lease of vehicles exceeding \$1000 per case or extending beyond 30 days, requests should be submitted by written communication to FBIHQ. Depending upon the nature of the substantive case, the request will be directed to the Criminal Investigative Division (CID) or the Counterintelligence Division (CD) or the Counterterrorism Division (CTD). Requests for such rentals are not to be submitted to FBIHQ on a UACB basis.

(3) In addition to a complete justification, each request should include the following information: (See (12)(d).)

- (a) Purpose [REDACTED]
- (b) Year
- (c) Make
- (d) Model
- (e) Body style
- (f) Universal Case File Number (66-HQ-19482) and Case Code Name when applicable
- (g) Monthly cost and estimated total cost
- (h) Lease period
- (i) A copy of the lease agreement
- (j) FD-369 for the rental/lease.

Any of the above information that is not available at the time of the initial request, or changes after receiving approval, should be forwarded to FBIHQ, Procurement Unit, Finance Division (FD), by written communication.

(4) [REDACTED]
[REDACTED]

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The leasing field office should be aware of the "Indemnity Clause" contained in standard leasing agreements which exempts the lessor from his/her negligent acts or omissions. This clause transfers liability to the lessee by requiring the lessee to indemnify the lessor for any judgments or claims brought against him/her. In those instances where the "Indemnity Clause" is contained in the lease agreement, the field office should attempt to have the clause removed.

(5) [REDACTED] the requesting office will rent or lease passenger carrying vehicles from vendors listed on the General Services Administration (GSA) Schedule. When there are no vendors listed on the GSA Schedule, or a local vendor can provide the required vehicle at a cost savings over the GSA Schedule, or the GSA vendor cannot supply the field office with the type of vehicle required, the submitting field office will obtain three bids which are to be submitted with the original request.

When the field office leases a vehicle from a vendor other than one listed on the GSA Schedule, they should be aware of the "Indemnity Clause" contained in standard leasing agreements. This clause exempts the lessor from his/her negligent acts or omissions transferring liability to the lessee by requiring the lessee to indemnify the lessor for any judgments or claims brought against him/her. It should be noted that many of the nationwide leasing and renting companies have agreed to delete the indemnity clause from lease

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agreements with the FBI. In any instance where the "Indemnity Clause" is contained in the lease agreement, the field office should negotiate to have the clause removed.

(6) Upon receiving the incoming communications, the CD, CTD, or CID will prepare an addendum and forward the incoming request and FD-369 to PPMS, FD, where the FD-369 will be entered in the accounting system. When applicable, a copy of the lease agreement will be forwarded to the Contract Review Unit, FD.

(7) Deleted

(8) The request will then be forwarded to the Procurement Unit, FD. If the request has been given a favorable recommendation by the substantive desk and all procurement requirements have been met, the purchase order will be issued by the Procurement Unit and signed by an authorized contracting officer. The signed purchase order will be forwarded to the requesting field office authorizing them to lease the vehicle(s). PPMS will draft and execute a Determination and Finding (D&F) [REDACTED]

(9) [REDACTED] PPMS will return all supporting documentation to the Accounting Section which will wire the necessary funds directly to the field office.

(10) Deleted

(11) Deleted

(12) Emergency authority to rent or lease a vehicle may be obtained telephonically from FBIHQ provided:

(a) The circumstances of the case mandate an immediate need for a vehicle which preclude a written request.

(b) The telephonic request is first cleared through the substantive desk of CID, CD, or CTD and the Procurement Unit, FD.

(c) The request is cleared and approved by a contracting officer in PPMS.

(d) A written communication confirming that emergency authority was granted is submitted to FBIHQ with copies designated to the substantive desk of CID, CD, or CTD, and PPMS, FD. The communication should include all information required in paragraph (3) in addition to the name of the authorizing official, and will be routed as would a normal request as outlined above.

(13) Upon termination of an operation that has utilized a leased vehicle(s), the field office will immediately notify FBIHQ, Attention: Procurement Unit, FD, advising of the time remaining on the lease. Under no circumstances will the leased or rented vehicle(s) be kept by the field office [REDACTED] [REDACTED] without complete justification and approval from FBIHQ.

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6-8.11 Sale of Cars

(1) Authority to dispose of a vehicle must be obtained from FBIHQ. Furnish the following information when requesting such authority -

(a) Make; model; mileage; and general condition

(b) Whether vehicle is operable

(c) City in which vehicle is located if other than headquarters city

(d) Any information which might make it advantageous to the government for FBIHQ to handle the sale rather than GSA.

(2) By GSA -

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(a) In most instances the sale will be handled by GSA. In some cities GSA has a consolidated sales site and the vehicle may be transported to this site when agreed to by GSA. At other locations, it is necessary to retain possession until the sale is completed. In these cases, it will be necessary to provide for the inspection by prospective bidders and Bureau must bear cost of care and handling of vehicles pending their disposal.

(b) Vehicles should be reported to GSA by means of SF-126, Report of Personal Property for Sale, and SF-126A, Continuation Sheet. These forms may be obtained from GSA in the usual manner. The reports should be filled in as follows:

Space No. 1 - Name and address of field office

2 - Number for the report should be Fedstrip activity address code, Julian date, line items numbered consecutively beginning with number 001.

3 - Current date

4 - FSC Group 23

5 - Total acquisition cost of all units listed

6 - If you retain possession of vehicle, show name and telephone number of individual to contact. If vehicle is taken to GSA sales site, leave blank.

7 - Physical location of vehicle, if in your possession. Leave blank otherwise.

8 - Region number and address of GSA regional office covering your area

9 - (a) (2) No

10 - (a) Yes

11 - (a) Yes

12 - Send executed documents to: Notice of sale - name & address of field office and Headquarters.
Reimbursement - FBI Room 6863 935 Pennsylvania Avenue, Northwest Washington, D.C. 20535-0001

13 - 15F3875(02)

14 - 15-02-0001

15 - Signature and title of SAC

16 - List each vehicle as a separate item, giving make, model, motor number and Bureau car number.

17 - To be signed by GSA if vehicle is taken to GSA sales site, one copy returned to your office.

18 - To be signed by GSA and one copy returned to your office.

(c) The original SF-126 should be submitted to the regional GSA office; one copy should be maintained in the vehicle file; and one copy forwarded to FBIHQ, Attention: Fleet Management and Transportation Services Unit, Finance Division (FD), Room 6863. The field office should ensure that the Bureau Car Number and the Vehicle Identification Number (VIN) are reported for each vehicle listed on the SF-126. FBIHQ will make the appropriate changes to the field office's automotive vehicle inventory to reflect transfer of the vehicle to GSA.

(d) The information set forth on the SF-126 will be maintained by FBIHQ. Once the field office receives the GSA Form 27 or the proceeds from the sale of a Bureau vehicle, they should forward same to FBIHQ, Attention: Fleet Management and Transportation Services Unit, FD. Upon receipt of GSA Form 27 or the proceeds from

the sale of a vehicle, FBIHQ will make the appropriate adjustment to the field office's vehicle inventory. A

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copy of the GSA Form 27 will be forwarded to the field office and should be posted as the final serial in the vehicle's administrative file. Each field office should review the Quarterly Motor Vehicle Report to ensure all inventory adjustments have been made. Any discrepancies should be reported immediately to the Fleet Management and Transportation Services Unit, FD.

6-8.12 Transfer of Motor Vehicles (See MAOP, Part II, 6-8.5 (6).)

The Automotive Management Unit, Property Procurement and Management Section, Finance Division (FD), will review and authorize the transfer of all Bureau automotive vehicles between field offices. Upon authorizing the transfer of a vehicle, FBIHQ will make the appropriate inventory changes. The field office transferring the vehicle should ensure that the administrative file is transferred with the vehicle to the receiving office. If a vehicle is being transferred intraoffice to or from a resident agency, the field office should advise FBIHQ, Attention: Automotive Management Unit, FD, of same.

6-8.13 Motorcycle Training

(1) Motorcycles owned, leased, or operated by the FBI may only be operated by personnel who have successfully completed a law enforcement motorcycle training school or its equivalent. Employees requiring training should locate a law enforcement motorcycle training school or contact the Finance Division (FD), Property Procurement and Management Section (PPMS), Automotive Management Unit (AMU), for information concerning enrollment in an equivalent training school. Motorcycle training programs must include riding conditions similar to those likely to be encountered while utilizing a motorcycle or law enforcement and surveillance purposes.

(2) Only personnel successfully completing an approved motorcycle training course may utilize a motorcycle in an official FBI capacity.

(3) Proof of completion of the motorcycle course must be submitted to FBIHQ, FD, PPMS, AMU.

6-8.14 Valid State Motorcycle Operator's License

Each employee must have a valid motorcycle operator's license endorsed by the state before he/she can enroll in a motorcycle training program.

6-8.15 Required Safety Equipment

(1) Each employee must wear the safety equipment mandated by the state in which the motorcycle is being operated.

(2) Even in states where it is not mandatory for the motorcycle operator to wear a helmet, FBI employees are expected to wear a helmet while operating a motorcycle on official FBI business. SAC authority must be obtained prior to any employee not wearing a helmet if the use of a helmet would compromise an operation.

6-8.16 Fuel (Gas) Purchases for Bureau Vehicles

(1) Bulk Fuel Purchases - All bulk fuel purchases must be purchased through the Defense Logistics Agency contracts where available. Bulk fuel purchases are restricted to 87 octane. Vehicles that require a higher octane are allowed to purchase fuel at a commercial retail service station.

(2) Commercial Retail Fuel Purchases

(a) Self-service pumps must be used at commercial retail service stations where available. Operators should use service stations that accept the U.S. Government Credit Card. The following exceptions from this policy apply:

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1. The unavailability of self-service pumps;
2. The cost of fuel at a full-service station is the same or lower than the cost of fuel at a self-service station;
3. The physical limitations of the vehicle operator;
4. The refusal by a service station to honor the U.S. Government Credit Card for fuel pumped at self-service pumps;
5. Severe weather conditions.

(b) Commercial fuel purchases should be at the octane level recommended by the vehicle manufacturer. Premium gasoline should not be used in vehicles except for those vehicles that require premium. The use of mid-grade fuel for vehicles with a recommended octane rating of 87 is restricted for those vehicles that are subject to irregular driving conditions.

6-9 PAYMENT FOR SERVICES AND GOODS (See MAOP, Part II, 6-7.1.6; MIOG, Part II, 23-6.13.)

Authorized purchases in small amounts may be paid from the Draft System or Imprest Fund maintained in each office. Regulations governing use of the Draft System and Imprest Fund Accounts are set out under Part II, 6-3 of MAOP. All other reimbursements to vendors supplying goods and services to the FBI are accomplished through the submission of vouchers (SF-1034) or invoices.

6-9.1 Public Voucher for Purchases and Services Other Than Personal Form, SF-1034 - Medical Examinations of Prisoners and Subjects

(1) If no warrant was issued, SF-1034 may be issued to the physician. If warrant was issued, the U.S. Marshal will pay for the service. If the physician refuses to accept SF-1034, physician may be paid in cash and the amount reclaimed in Agent's expense account (SF-1012). If the expense is so claimed, SF-1012 must contain the statement, "No warrant issued - subject released."

(2) Original and one copy (on SF-1034a) executed by physician and approved by SAC to be forwarded to FBIHQ. Certification by payee not required.

6-9.2 Invoices

Invoices will serve as vouchers in all other instances. SF-1034 is not to be prepared by field offices to support invoices.

6-9.2.1 Copies

The original and one copy of invoices are to be forwarded to FBIHQ. (See one exception under 6-9.2.6, (3)(d), below, for gas and oil purchases in Maryland.) If the payee desires a copy of the invoice to be mailed with the check in payment thereof, one additional copy, designated as being for that purpose, must be forwarded. Use of this additional copy can be avoided by having the payee place a number to identify the account on the invoice and arranging to have this identifying number shown on the check.

6-9.2.2 Date

The date the invoice was received in the field office should be stamped on the FBIHQ (i.e., carbon) copy. The original invoice must bear the approval of the SAC. This can be done by affixing a rubber stamp, on the reverse side if no space available on the front, as follows:

"Approved by _____ (signature) Special Agent in Charge"

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6-9.2.3 Certification

Certification of invoices as to correctness and nonpayment is required only on invoices submitted by transportation companies.

6-9.2.4 Contract or Purchase Order Number

When contracts or purchase orders have been written covering the invoiced item, the contract or purchase order number must appear on the invoice.

6-9.2.5 Discount Purchases or Services

A special tag should be stapled to each invoice on which a discount is allowed if paid within a specified time. Discount terms must be shown on the special tag.

6-9.2.6 Invoices Covering Vehicle Services

(1) Original of invoice covering purchases of gas and oil must be accompanied by copies of sales tickets; if possible, also furnish duplicate sales tickets with duplicate invoice. Sales ticket must contain name and address of vendor, signature of purchaser, quantity purchased, price, and date. Purchases must be broken down by date. Tickets supporting original bills from gas and oil companies must be matched to customer's copy of the tickets turned in by the purchaser to ensure that the billing only includes purchases actually made for use in Bureau vehicles, and that all discrepancies or unauthorized purchases are detected and resolved. If no invoice is furnished, the sales ticket must be in duplicate. The sales tickets and invoices must be reviewed in the field to be sure the above requirements have been met.

(2) Federal tax on gasoline and oil must be paid.

(3) State tax -

(a) Some states exempt the Federal Government from their taxes. The field office is responsible for determining whether the Federal Government may reclaim taxes. If the tax is levied by the state on the wholesaler, the Government is not exempt.

(b) In states which exempt the Federal Government from taxes, the SAC is to execute a U.S. Government tax exemption certificate, SF-1094, and deliver it to vendor. The number of the tax exemption certificate, quantity of gasoline, amount of tax excluded, and the name of state must be typed on each invoice.

(c) In the State of Maryland the Federal Government must pay the tax and then claim a refund when the vendor will not honor the SF-1094. In these instances, the SF-1094 is executed by the SAC as outlined above to indicate the amount of tax included, certified by an authorized representative of the vendor, and forwarded to FBIHQ with each invoice.

(d) The field office covering Maryland should furnish an additional copy of invoices covering purchases of gasoline and oil, for use in securing refund of taxes.

(e) If SF-1094 is not applicable, so state on invoice.

(4) Storage - Identity of vehicle stored, days on which vehicle was in storage, and monthly or daily rate must be shown. List storage separately from other services.

(5) Other vehicle services - Invoice must show type of service provided, date provided, total hours of labor, hourly rate, material used, unit cost of same, identity of vehicle involved, total cost of each item and total cost.

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6-9.2.7 Telephone Service

Submit to FBIHQ original telephone invoice with the itemized toll listings for long-distance telephone calls. Maintain at field headquarters one copy of these invoices and toll listings for at least three years. (See MAOP, Part II, 2-4.5.12.)

6-9.2.8 Equipment Labor Charges

Labor charges must be itemized to show hours of labor, rate per hour, and total labor charge; material charge must be itemized to show unit cost. If the claim for services rendered is on a job basis, it must be so indicated on the invoice. Bills for repairs must show that repair was to Government property.

6-9.3 Submission of Invoices and Bills to FBIHQ

The Prompt Payment Act (Public Law 100-496), requires Federal agencies to pay their bills on time, pay interest penalties when payments are made late, and take discounts only when payments are made within the discount period. The Prompt Payment Act was implemented to effect timely payments, better business relationships with suppliers, improved competition for Government business, and reduced cost to the Government for goods and services.

6-9.3.1 Policy

(1) The Prompt Payment Act requires that when a specific payment due date is provided or a discount is taken, that payment be made as close as possible to, but no later than the due date. If no payment due date is specified, then payments must be made within 30 calendar days from either the date an invoice is received in an FBI office or by the designated employee specified within the contract or purchase order. The Act stipulates that if the date received is not recorded, then the 30-day period will be computed based on the invoice date.

(2) When payments are not made on time or when discounts are taken after the discount period has expired, an interest penalty of \$1 or more must be paid automatically without regard to whether the vendor has requested payment of the penalty. The penalty should be included with the payment at the "Renegotiation Board Interest Rate" applicable on the day after the invoice became overdue. The cost center associated with the delinquent invoice shall be charged with the interest penalty.

6-9.3.2 Determining the Payment Due Date

For the purpose of determining a payment due date and the date on which interest will begin to accrue, payment is due either:

(1) On the date specified in the contract, or

(2) If a payment due date is not specified, payment must be made within 30 calendar days from either the date an invoice is received in an FBI office or by the designated employee specified within the contract or purchase order. Only seven days are allowed from the date goods are delivered or services rendered to indicate rejection.

(3) In limited situations, payment may be made without evidence that supplies have been received. Certification that supplies have been shipped may be used as a basis for authorizing payment when individual orders do not exceed \$25,000. This payment procedure may be employed only when all of the following conditions are present:

(a) Deliveries of supplies are to occur where there is both a geographical separation and a lack of adequate communication between Government receiving and disbursing facilities, which makes it impracticable to make timely payments based on evidence of Federal acceptance.

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(b) The contractor agrees to replace, repair, or correct supplies either not received at destination, damaged in transit, or not conforming to purchase requirements.

(c) Internal controls are in place to ensure that supplies acquired under these procedures are promptly inspected, that receiving reports and invoice documents are matched, and that steps are taken immediately to correct discrepancies.

6-9.3.3 Review of Invoices

(1) Payment will be made based on receipt of proper invoices or satisfactory performance of contract terms. Acceptance is considered to have been made no later than seven days from the date goods are delivered or performance of service. Invoices should be reviewed as soon as possible for accuracy to facilitate the reimbursement process within the 30-day period.

(2) Improper invoices should be returned to the vendor not later than seven days from receipt of the invoice identifying the reason(s) that has prevented payment. When the agency fails to notify the vendor of an improper invoice within the seven-day period, the number of days allowed for payment of the corrected invoice will be reduced by the number of days between the seventh day and the day notification was transmitted to the vendor. Therefore, it's absolutely essential that the invoice and supporting documentation be promptly reviewed and submitted to FBIHQ so that payment can be made in accordance with the law. Invoices referred to FBIHQ for payment are required to be submitted with the following information (if applicable):

(a) Date invoice was received in the office.

(b) Date goods were received or service rendered.

(c) Date invoice was forwarded to FBIHQ for payment.

(d) Date invoice was returned to vendor, if improper, for payment.

(e) Date corrected invoice was received.

(3) Payment for invoices paid through the Draft System or Imprest Fund Accounts must be dated on or before the 30th day from the date invoice was received in the office to be in accordance with the Prompt Payment Act. Invoices that are not processed within the 30-day period must be forwarded to the Commercial Payments Unit, FBIHQ, for processing and issuance of payment.

6-9.3.4 Discounts

Agencies offered discounts by a vendor from an amount due under a contract for property or services in exchange for payment within a specified time may pay the discounted amount only if payment is made within that specified time. When a discount is taken, payment will be made as close as possible to, but not later than, the discount date. Discounts should be taken whenever economically justified.

6-9.3.5 Making the Payment

(1) Payment of an invoice can be made no earlier than seven days prior to the payment due date, unless approved by the agency, on a case-by-case basis that an earlier payment is necessary.

(2) Checks issued for payment must be dated on or before the 30th day. Whenever possible, the agency shall seek to enter into an agreement with the vendor for transmission of payments in excess of \$25,000 by Electronic Funds Transfer.

(3) Payments due on Sunday and legal holidays may be paid on the following business day without incurring late payment interest penalties. However, payments due on Saturday must be made on the preceding business day to avoid interest penalties.

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6-9.3.6 Paying Interest Penalties

(1) The temporary unavailability of funds to make timely payments for property or services does not relieve the agency from the obligation to pay the interest penalty or the additional penalties when incurred. An interest penalty of \$1 or more must be paid automatically, without a request from the vendor for late payments and discounts when taken improperly. Interest will be calculated at the rate applicable on the day after the due date and computed through the payment date.

(2) When the agency pays a late payment interest penalty, the payment must be accompanied by a notice stating the amount of the interest penalty included in the payment, the rate by which the penalty was computed, and the number of days used in calculating the penalty.

(3) When the agency takes a discount after the discount date, the interest payment will be calculated on the amount of the discount taken for the period beginning the day after the discount date through the payment date.

(4) The interest penalty shall be charged to the cost center associated with the delinquent invoice. The Prompt Payment Act does not authorize the appropriation of additional amounts to pay penalties.

6-9.3.7 Additional Penalties

(1) The vendor shall be entitled to an additional penalty payment equal to 100 percent of the original late payment interest penalty when interest on late payments is not paid in a timely manner. The agencies are allowed up to ten days following payment of an invoice to effect payment of the late payment interest penalty. If payment is not made within ten days, the interest penalty is doubled.

(2) The vendor is required to make a written request no later than 40 days after the date on which the payment was due to effect reimbursement of the double payment penalty.

(3) The additional penalty does not apply to the payment of utility bills because late payment penalties for these bills are determined through the rate-setting process.

6-9.3.8 Reporting

At the end of each fiscal year, no later than November 15th, a report must be filed with the Director of Office of Management and Budget, setting forth the following information:

(1) Invoices subject to the Prompt Payment Act.

(a) Dollar Value

(b) Number

(2) Invoices paid after due date.

(a) Dollar Value

(b) Number

(3) Number, total amount, and relative frequency of payments made 1-7 days after the due date and payments made 8-15 days after the due date.

(4) Number and total amount of interest penalties.

(5) Reasons that interest penalties were incurred in order by the frequency of the occurrence.

(6) Discounts.

(a) Number available

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(b) Number not taken and reason why; and

(7) An analysis of the progress made, problems identified and corrective actions taken to improve the timeliness of payments.

6-10 PHYSICAL INVENTORIES OF PROPERTY, PLANT AND EQUIPMENT

(1) The Department of Justice Property Management Regulations require all bureaus to conduct a physical inventory of all nonexpendable personal property annually, but the inventories may be performed every two years if directed by the bureau head.

(2) The FBI will conduct a yearly inventory of all capitalized assets and sensitive property items which are central processing units, COMSEC equipment, firearms, jewelry and laptops. Biannually, the FBI will be required to conduct a full wall- to-wall inventory of all property, plant and equipment.

(3) The Finance Division will notify each division when to commence the yearly and biannual inventories and the deadline for completion. At the conclusion of the inventories, the Finance Division, Property Management Unit, will review and submit the inventory results to the Executive Assistant Director - Administration and the Department of Justice.

6-10.1 Nonexpendable Inventory

(1) Complete instructions, procedures and policies regarding the accountability of nonexpendable property, capital leases, service contracts and warranties are set forth in the Accountable Property Manual.

(2) The policy and procedures for the acquisition of excess nonexpendable property from other Government and military entities are also set forth in the Accountable Property Manual. The Property Management Officer (Chief, Property Procurement and Management Section) is the only individual who has been delegated authority by the Director to approve the acquisition and transfer, by SF-122, of all nonexpendable and expendable property.

6-10.2 Issued Personal Property

All Bureau property such as credentials, badges, weapons, clothing, etc., issued and in the possession of an FBI employee must be maintained on the Bureau Personnel Management System, Issued Personal Property (IPP) System and Form FD-281, Receipt of Government Property, must be executed. Authorized users in each office have the capability to query all information concerning property assigned to an employee within their division.

(1) Authorized personnel have the capability to add, change, and/or delete information in the following fields:

(a) DRIVER'S LICENSE NUMBER; EXPIRATION DATE

(b) CELLULAR PHONE

(c) BEEPER NUMBER

(d) KEYS

(e) OTHER PROPERTY

When an employee is issued any of the following government property, he/she must execute Form FD-281 and forward it to the Property Management Unit (PMU), Property Procurement and Management Section (PPMS), Finance Division (FD): badges, credentials and identification badges. PMU will implement any additions, corrections and/or deletions to the Bureau Personnel Management System (BPMS), Issued Personal Property Subsystem (IPP), from the executed Form FD-281. A separate FD-281 should be executed for telephone calling cards and submitted to the Telecommunications Services Unit (TSU),

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Operations Section (OS), Information Resources Division (IRD). The TSU will implement any changes to the BPMS, IPP. A separate FD-281 is required for the Bureau travel card. The FD-281 should be forwarded to the Travel Advance and Payment Unit (TAPU), Accounting Section, FD. The TAPU will implement any changes to the BPMS, IPP Subsystem.

(a) through (g) Deleted

When an employee transfers to another field office, the employee must return any issued building access badges, keys, beepers, and/or other equipment assigned to the employee by his/her division.

When weapons are issued by the Weapons Management Facility, National Firearms Program Unit (NFPU), Training Division, an executed FD-281 must be returned to the NFPU. Personnel who are issued weapons from the division gun vault are to execute an FD-281 which must be maintained on file by the division. Ballistic Protective Undergarments (BPU's) are issued to field divisions by the NFPU. When BPU's are issued by the divisions, an FD-281 is to be executed and maintained by the division.

(2) A physical inventory of issued personal property for each employee must be conducted the year following the Bureauwide inventory of property, plant and equipment. The Finance Division will advise all divisions when to commence the inventory.

(a) Each division must conduct a physical inventory of issued personal property assigned to their employees during February of every odd-numbered year. The inventory should be conducted by the SAC or a designated management representative. At FBIHQ, the division head's designated representative will conduct this inventory. To assist personnel conducting this inventory, Individual IPP reports should be executed through the Bureau Personnel Management System. The property of each employee must be actually checked and verified against the computer printouts.

In addition, when an employee is officially transferred, an inventory must be conducted by the office from which the employee is departing. However, the Property Management Officer or his/her designee may conduct an inventory at any time.

(b) When the physical inventory has been completed, each division must submit Form FD-672, along with the discrepancies for Agent badges, credentials and identification badges to the PMU, PPMS, FD. An FD-672, along with the discrepancies for the telephone calling cards, are to be sent to TSU, OS, IRD. Form FD-672 and discrepancies for the Bureau travel card are to be submitted to TAPU, AS, FD. All discrepancies for weapons issued by the TD should be sent to the NFPU, TD, with an FD-672.

(c) Deleted

(d) Deleted

(3) When disposing of property, the following property must be returned immediately to the PMU: credentials (Agent and non-Agent) and badges. They must be packed separately from any other item and forwarded to FBIHQ, Attention: PMU, PPMS, FD, by registered mail, with an FD-367 (original). All telephone calling cards must be returned immediately to FBIHQ, Attention: TSU, OS, IRD, by registered mail, with an FD-367 (original).

(a) FBI identification cards, U.S. government license, and FBI Employees Handbook should be disposed of by each field division. Each field division must immediately notify the PMU by submitting an FD-367 for any of the above property.

(b) Weapons and Ballistic Protective Undergarments must be packed separately and forwarded directly to FBI Academy, Room 110, DN Building, Quantico, Virginia 22135, by registered mail, along with a copy of FD-367. A notation must be made on the original FD-367 that the property has been forwarded directly to Quantico under separate cover. (See MAOP, Part 1, 17-1.7.1, Part 2, 2-4.5.21; MIOG, Part 2, 12-5.)

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(4) Manuals that are returned to FBIHQ, Attention: Manuals Desk, must have Form FD-474 attached to each manual returned. (See MAOP, Part 1, 17-1.7.2.)

6-10.3 Deleted

6-11 ADIC/SAC AUTHORITY TO APPROVE LIMITED CONFIDENTIAL EXPENDITURES FOR INVESTIGATIVE OPERATIONS (ALSO SEE FBI CONFIDENTIAL FUNDING GUIDE; MIOG, Part 2, 10-14, 10-14.1.1, 10-14.1.2 & Legal Attache Manual, 2-7.)

(1) ADICs/SACs may authorize up to \$100,000 per fiscal year for confidential expenditures incurred in connection with any single investigative matter. ADIC/SAC authority in the amount of \$100,000 is automatically renewed for each case, informant, or asset at the beginning of each succeeding fiscal year, unless advised to the contrary by FBIHQ. No restrictions, except as noted below, are being set forth as to the particular types of expenditures which may be made. It is recognized that, dependent on circumstances at the time of disbursement, a particular type of expenditure may be appropriate in one case and inappropriate in others. ADICs/SACs must, as part of their executive responsibilities, act in good faith and exercise sound judgment in approving each expenditure. When the ADIC/SAC is unavailable, the ASAC may authorize expenditures if specifically designated by the ADIC/SAC.

The FBI is prohibited from any type of financial involvement with its employees, relatives or friends of employees, business concerns or organizations owned or substantially owned or controlled by one or more employees, unless specifically approved by FBI Headquarters in advance. All such requests must be submitted in writing to the Accounting Section, Finance Division. The restriction on government agencies which prohibits financial involvement with its employees or relatives of employees is to avoid either actual or perceived conflicts of interest which may arise with respect to the government showing favoritism or preferential treatment toward its employees. (See MAOP, Part 1, 1-14.2.)

(2) If expenditures are projected to exceed ADIC/SAC authority of \$100,000 during the fiscal year, a request for additional authority must be sent to the appropriate substantive program manager at FBIHQ to request ADDITIONAL AUTHORITY in the amount of expenditures that are anticipated for the remainder of the fiscal year. Each request must include a statement as to the availability of funds in the field office budget. If the balance of available budgeted funds is insufficient to support planned expenditures, the authority request must include a request to reallocate funds from another budget category or to supplement the total field office budget. The date upon which additional authority was granted must be noted on each advance or expense request in excess of \$100,000. In those specific cases, usually undercover operations (UCO), for which written authorization is obtained from FBIHQ to expend a specified amount of funds, the \$100,000 ADIC/SAC case authority is rescinded. Payments to informants and directly related expenses must be charged to the field office informant budget and NOT the case or UCO budget.

Employee certifications of expenditures submitted to cover confidential purchases in situations where obtaining a receipt was not feasible or prudent will no longer be acceptable if there is a reasonable expectation that the average customer would have received a receipt. In the current environment of computerized cash registers, even in the smallest of businesses, there is a realistic and reasonable expectation of receiving at least one, possibly two receipts (if a credit card is used) for all purchases. The submission of certifications will require written justification on the FD-794, Draft Request Form, or on the certification. Also, written justification must be submitted regarding all attempts made to replace lost receipts.

(3) Although it is not possible to set forth guidelines as to the particular types of confidential expenditures which may be made in all cases, it must be clearly understood that all expenditures, regardless of type, must meet the following criteria:

(a) Each expenditure must be in direct support of investigation.

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(b) Each expenditure must require confidentiality or be directly related to an operation or activity requiring confidentiality. The confidentiality arises from the need to conceal the FBI as the source of the payment from the vendor, or from third parties or from the public, to avoid compromising covert activity.

(c) Each expenditure must be necessary in the circumstances apparent at the time of expenditure.

(d) Each expenditure must be reasonable as to type and amount based on value received and overall circumstances present at the time of expenditure.

(4) The ADIC/SAC must ensure that each disbursement is supported by adequate, written documentation which clearly identifies that the disbursement conforms to the criteria listed above. This documentation is considered an integral part of confidential records.

(a) If the ADIC/SAC is in doubt as to the propriety of using confidential funds, the matter should be referred to the appropriate unit within the Finance Division at FBIHQ.

(b) Questions concerning the proper level of authority required and the operational use of confidential funds should be referred to the appropriate investigative division at FBIHQ for determination.

(5) The types of transactions which are prohibited or should at least be referred to FBIHQ for specific approval are as follows:

(a) Purchase of real property;

(b) Lease of real property where obligation will be in excess of 60 days. See MAOP, Part 2, 6-5.1 (5);

(c) Execution of contracts obligating funds of the FBI. Such contracts must be executed by a contracting officer at FBIHQ or at your field office depending upon the dollar value of the contract. See MAOP, Part 2, 6-5.2;

(d) Deleted

(e) Expenditure of funds for insurance on government property or property utilized by the government except in instances where such expenditures are necessary for cover purposes; and

(f) Expenditure of funds for maintenance of equipment or vehicles provided on a loan or use agreement with private industry.

(g) Deleted

(h) Deleted

(i) Deleted

(6) The purchase of evidence with confidential funds must meet the following criteria:

(a) The purchase of evidence in excess of ADIC/SAC authority will require prior FBIHQ approval.

(b) The ADIC/SAC, or the ASAC in the ADIC's/SAC's absence, may personally approve the purchase of drug evidence up to \$20,000 in confidential case fund authority. At the discretion of the ADIC/SAC, this authority may be delegated to an ASAC so long as the delegation is documented. Prior FBIHQ authority is required for any single drug purchase of \$20,000 or more.

All drug buys in any case are counted against the field office drug evidence purchase budget. (Also see MIOG, Part 1, Section 281-4.1.2.)

1. Deleted

2. In all instances where funding has been approved by FBIHQ for any single purchase of \$20,000 or more, a separate communication must be submitted to FBIHQ within ten workdays after each additional drug purchase is consummated, including the date and amount of drugs purchased, the price paid, the identity of

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the subject(s) from whom drugs were purchased, and a brief explanation of the investigative and/or prosecutive objectives furthered by purchasing the drugs. This communication should document FBIHQ authority for the purchase.

(c) In the event that the victim or a third party has an interest in the evidence to be purchased, only funds of the victim or interested third party are to be used at the time of purchase. Use of FBI funds to be reimbursed with funds from the victim or third party is prohibited. Very limited exceptions to this policy may be authorized by FBIHQ in emergency situations where necessity and justification are fully documented. Prior to requesting approval, the field office must obtain a written agreement for each transaction from the victim or interested third party describing the following:

1. the details of the transaction and the purpose for which the funds are to be used, including the specific property/evidence to be recovered.
2. a promise from the victim or interested third party to furnish the funds.
3. the legitimate and articulated financial interest of the victim or third party in the property/evidence to be recovered.
4. an acknowledgement that the FBI, acting as a conduit, is not in possession of the property, is not selling the property and cannot guarantee the nature or condition of the property recovered with the third party funds.

(d) In addition, the office must obtain documented operational authority from the appropriate substantive desk at FBIHQ and documented administrative authority from the Office of the Chief Contracting Officer (OCCO), Property Procurement and Management Section, Finance Division. Approval from the appropriate substantive desk and OCCO will only be granted after the written agreement from the victim or interested third party has been obtained.

(e) FBI funds cannot be utilized to purchase stolen property. Third party funds must be obtained prior to the transaction.

(7) All employees using confidential funds should be aware of three limiting factors:

(a) Budget Limits - The amount of funds available to support confidential expenditures is set by FBIHQ. This amount cannot be exceeded unless the ADIC/SAC requests a supplement or the reallocation of funds.

(b) Operational Authority - Authority limits of the ADIC/SAC and operational divisions at FBIHQ are operational in nature. They are set on a case-by-case basis with the understanding that sufficient funds must exist in the appropriate budget category to support expenditures.

(c) Source of Funds - Appropriated funds required to pay confidential expenditures may be obtained from the Draft System or from an advance of funds from FBIHQ. All expenditures, regardless of the source of appropriated funds, reduce the balance of available budgeted funds and the amount of operational authority granted for the case. Funds may also be provided by third parties and from proceeds from undercover operations. The expenditure of these funds reduces the balance of operational authority granted for the case, but does NOT reduce the balance of available appropriated funds.

6-12 ADVANCE OF FUNDS - CENTRALIZED CONTROL SYSTEM (See MIOG, Part 2, 10-14 & 10-14.4.)

Each office must designate an employee to record all advances from FBIHQ for confidential expenditures in a centralized control system under the direct supervision of the SAC or ASAC. The system will contain summary financial and administrative data to allow the SAC to determine the balance, voucher status, audit status, and date of the last cash count for all funds advanced to that office. The control system will consist of an advance of funds control file for all bureau communications which authorize and confirm advances of

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funds from FBIHQ, a journal which records the receipt of all advances and transmittal of related vouchers, and a ledger containing an individual page for each case which has received an advance of funds from FBIHQ.

6-12.1 Advance of Funds Control File

Each office will open a "66F" control file to be captioned "Advance of Funds Control File" to be maintained by the person assigned to manage the centralized control system under the direct supervision of the SAC or ASAC. The file must be maintained in a secure location and access must be limited to essential personnel only. The file should be maintained with one copy of each Bureau communication authorizing and confirming each advance of funds. The Bureau will assist in this effort by adding an extra copy to each authorizing communication and each confirming communication and by adding "(66F-) Advance of Funds Control File" to the copy count of these outgoing communications.

6-12.2 Advance of Funds - Journal

Form FD-915, titled "Centralized Control System Advance of Funds Journal," is to be used to record the receipt of all advances and the transmittal of related vouchers in chronological order. The following information should be included in the journal.

- (1) Date of transaction.
- (2) Amount of transaction.
- (3) Universal case file number.
- (4) Accountable Officer.
- (5) Description of transaction.
- (6) Description of advance involved in transaction.
- (7) Deleted

6-12.3 Advance of Funds - Ledger

- (1) Form FD-914, titled "Centralized Control System Advance of Funds Ledger," is to be used to create a ledger which will contain a separate page for each case which has received an advance of funds.
- (2) The ledger should be segregated into two sections, one for cases which have advance balances outstanding and one for advances which have been completely liquidated.
- (3) Each ledger page (FD-914) must contain the following information regarding the case: (See MAOP, Part 2, 6-12.4(2)(c).)
 - (a) Universal Case File Number
 - (b) Case Caption
 - (c) Case Agent/Accountable Officer (d) Location of Funds
 - (e) Date
 - (f) Date Sent
 - (g) Description/Type of Entry
 - (h) Amount of Transaction
 - (i) Outstanding Balance

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(4) Each ledger page (FD-914) will contain the following regarding each advance received for that specific case: (See MAOP, Part 2, 6-12.4(2)(c).)

- (a) Date Advance Received
- (b) Date of Authorizing Communication
- (c) Any restrictions on expenditures specified in the authorizing communication
- (d) Date of Confirming Communication
- (e) Amount of Advance

(5) Each ledger page (FD-914) will contain the following information regarding the vouchering of expenses from the advance: (See MAOP, Part 2, 6-12.4(3)(a).)

- (a) Date Voucher Was Signed
- (b) Period Covered by the Voucher
- (c) Amount of Expenses Claimed on the Voucher (Amount on Line 8b of Voucher, SF-1012, or the Amount Reported on an FBIHQ Blue Slip, FD-37)

(6) Each ledger page (FD-914) will reflect the most current balance outstanding for the case. The balance must agree with the balance outstanding (Line 8d) on the last voucher submitted and with the actual cash on hand as of the end of the period reported on that voucher.

(7) Each ledger page (FD-914) will reflect the date of each monthly cash count and the identity and title of the employee who physically counted the cash.

(8) Each ledger page (FD-914) will reflect the date each internal audit was completed and the period subjected to audit.

6-12.4 Control System Procedures

(1) Each office is to assign an employee the responsibility for maintaining the centralized control system under the direct supervision of the SAC or ASAC.

(2) Upon receipt of an advance of funds each office will:

- (a) Ensure that a copy of the authorizing communication has been filed in the Advance of Funds Control File.
- (b) Record the date the funds were received on the copy of the confirming communication that is to be filed in the Advance of Funds Control File.
- (c) Utilize the authorizing and confirming communications to prepare or update a ledger page (FD-914) for the advance, recording on the ledger page (FD-914) the information detailed in 6-12.3 (3) and (4).

(3) Upon submission of a Voucher (SF-1012) or Blue Slip (FD-37) to FBIHQ each office will:

- (a) Record on the appropriate ledger page (FD-914) the information detailed in 6-12.3 (5).
- (b) Determine the outstanding balance due (subtract the amount claimed from the previous balance outstanding) and ensure that the balance on the ledger page (FD-914) agrees with the balance outstanding on Line 8d of the voucher.

(4) Upon submission of a cashier's check or wire transfer to FBIHQ, each office will determine the balance outstanding and record on the ledger page (FD-914):

- (a) The Amount Returned
- (b) The Date Returned

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(c) The Date of the Transmittal Communication

(d) The New Outstanding Balance

(5) Unannounced, independent cash counts are required at least once a month for all advanced funds maintained or held in the form of cash. These cash counts are to be documented on the form FD-917, titled "Cash Count Certification Report." The amount certified on each FD-917 will be included on the form FD-916, titled "Cash Count Summary Report," which summarizes all cash, not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. An FD-916 is to be provided monthly to executive management via electronic communication, highlighting any discrepancies, safeguarding weaknesses, or irregularities noted during the cash counts. All cash counts are to be documented on the appropriate Centralized Control System ledger page (FD-914).

(a) It is the responsibility of each division's Audit Coordinator to review the Centralized Control System journals and ledgers, Third Party Draft system records, and each divisional form FD-913 to identify other cash in the division to be counted. These steps will allow the Audit Coordinator to locate and identify all cash not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. Once located, the Audit Coordinator will arrange for an independent, monthly count of this cash. These cash counts are to be documented on the form FD-917, titled "Cash Count Certification Report."

(b) Deleted

(c) Deleted

The actual cash count sheet must be retained in the case file.

(6) Upon completion of an internal audit, as required by the CONFIDENTIAL FUNDING GUIDE or requested by the SAC or the Bureau, each office will record on the ledger page (FD-914):

(a) The Period Subjected to Audit

(b) The Dates the Audit Commenced and was Completed

(c) The Title and Identity of the Auditor

6-13 SUBMISSION OF CASH, CHECKS, AND MONEY ORDERS BY FIELD OFFICES AND LEGAL ATTACHE OFFICES TO FBI HEADQUARTERS

6-13.1 Time Limits for Submitting Checks and Money Orders to FBIHQ

(1) A ten-day turnaround time period shall be observed between the purchase of money orders or cashier's checks by field and Legal Attache offices and the submission of these items to FBIHQ for processing.

(2) A ten-day turnaround time period shall be observed between the receipt of cash, checks, or money orders by the field or Legal Attache office and the submission of checks or money orders to FBIHQ for processing.

6-13.2 Procedures for Submitting Checks and Money Orders to FBIHQ

(1) When submitting money orders or cashier's checks, the field or Legal Attache office should retain the purchaser's copy in the event that the instrument is misplaced, lost, or stolen in transit.

(2) When purchasing money orders or cashier's checks, the payee section should be completed with the inscription "Federal Bureau of Investigation," or "FBI." Under no circumstances should remitters (field and legal attache offices) make checks payable to individual officers or employees of the Government by name (Treasury Financial Manual 5.2020).

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(3) Occasionally, checks are received from sources outside of the FBI, e.g., checks relating to jury duty, Bureau car accidents, and certain confidential transactions. When submitting checks which have been endorsed over to the FBI, a limiting endorsement should be used to restrict payment to the FBI. The endorsement should read "Pay to the Order of the FBI," followed by the signature of the endorser so as to match exactly the payee spelling on the check.

(4) Checks or money orders that are submitted by the Legal Attaches to FBIHQ should always be denominated in U.S. currency and payable on a U.S. bank.

6-13.3 Tracking the Submission of Checks and Money Orders to FBIHQ

A central log should be maintained by the Office Services Manager or his/her designee in each field office showing when monetary items are received/purchased and when submitted to FBIHQ. This log should be reviewed at regular intervals by supervisory personnel to ensure that monetary items are submitted to FBIHQ on a timely basis.

6-13.4 Submission of Cash to FBIHQ

Except when submitting cash as evidence, cash should never be sent to FBIHQ, regardless of the amount. Instead, a money order or cashier's check should be purchased and forwarded to FBIHQ.

6-13.5 Inquiries Regarding Wire Transfers of Funds

Follow-up calls from FBIHQ regarding the wire transfer of funds should be considered priority requests since the FBI cannot utilize such funding until it is placed in the proper appropriation account.

6-13.6 Submission of Deposit Ticket for Wire Transfers

If funds are wired to FBIHQ through a Federal Reserve Bank rather than a contact bank, and an SF-215 Deposit ticket is issued, one copy should be made for retention by the field office and the original copy should be sent to FBIHQ. Unless this procedure is followed, FBIHQ will have no supporting documentation for the transaction and will not be able to utilize the funds.

6-13.7 Returning Advances of Show Money or Buy-Bust Funds

When returning advances of show money or buy-bust confidential funds, the entire corpus of the advance should be returned - Example: If \$30,000 is wired out to a field office, the entire \$30,000 should be wired back. Any costs associated with the return of funds, such as wiring fees or costs incident to the purchase of cashier's checks or money orders, should be paid out of the Draft System or Imprest Fund Account.

6-13.8 Returning Funds in Excess of \$25,000

Funds in excess of \$25,000 should be wired to FBIHQ. Refer to the CONFIDENTIAL FUNDING GUIDE for instructions on the wiring of funds.

6-13.9 Identifying Data to Accompany Submission of Checks and Money Orders

Transmittal documents (electronic communications, routing slips, etc.) should provide sufficient identifying information so that the correct appropriation account can be credited. In addition to basic identifying data, such as the name of the field office submitting the monetary items, the following minimum descriptive information should be provided, along with any enclosures specified:

- (1) Commercial Refund:
- (a) Copy of invoice (if available).

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- (b) Date monetary item received.
- (c) Vendor name.
- (d) Invoice number.
- (e) Invoice amount.
- (f) Complete address of vendor.
- (g) Purchase Order number.
- (h) Reason(s) for the refund.
- (2) Confidential Expense Refund:
 - (a) Month and year originally vouchered.
 - (b) Purpose for expenditure (e.g., utility deposits, lease deposits, security deposits).
- (3) Confidential Case Advance: (includes wire transfers)
 - (a) Case number.
 - (b) Identification of recipient field office.
 - (c) Amount of original advance.
 - (d) Date advance received.
 - (e) Name of case Agent.
 - (f) Indication if show money or buy-bust.
- (4) Travel/Transfer Advance:
 - (a) Date advance received.
 - (b) Original amount of advance.
 - (c) Name of recipient.
 - (d) Purpose of travel.
- (5) Miscellaneous: (e.g., court-ordered restitutions, Bucar accidents, witness fees).
 - (a) Reason why funds submitted (be specific).
 - (b) Amount.
 - (c) Date funds received.
- (6) Evidence: Follow guidelines for submitting evidence as enumerated in Part 2, Section 2-4.4, of this manual.

6-13.10 Where to Send Checks and Money Orders

- (1) Monetary items associated with travel and/or transfer matters (including imprest fund matters and airline refunds) should be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit.
- (2) Monetary items associated with commercial activities (including vendor refunds) should be forwarded to FBIHQ, Attention: Commercial Payments Unit.

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(3) Monetary items associated with confidential expenditures should be forwarded to FBIHQ, Attention: Confidential Services Unit.

(4) Monetary items associated with activities not mentioned above should be forwarded to FBIHQ, Attention: General Ledger Unit.

6-14 ACCOUNTABILITY FOR OTHER FUNDS RECEIVED BY THE FBI

(1) On occasion, the FBI will receive project-generated income, cash reimbursements, third party source funds, victim funds, victim company funds, other agency funds, cooperative source cash, proceeds from covert operations, and cash maintained separately from the sale of covert inventory. These funds, when maintained in the form of cash, must be kept in a cash box, equipped with two keys, and stored in a relatively nonmovable safe or storage facility with a three-position-dial combination feature when not being utilized. Form FD-913, titled "Access Log - Safes and Storage Facilities Containing Cash and Valuables," is to be used to document those individuals having access to the funds stored in a safe or storage facility. The combination and duplicate key to the cash must be placed in a sealed, signed, and dated envelope and placed in the safe of the SAC. Cash boxes must be kept locked at all times and combinations changed at least annually or whenever there is a change in accountable officer. Other funds received, held in the form of cash, should not be stored in file cabinets with key locks or employee desk drawers.

(2) It is the responsibility of each division's Audit Coordinator to review the Centralized Control System journals and ledgers, Third Party Draft system records, and each divisional form FD-913 to identify other cash in the division to be counted. These steps will allow the Audit Coordinator to locate and identify all cash not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. Once located, the Audit Coordinator will arrange for an independent, monthly count of this cash. These cash counts are to be documented on the form FD-917, titled "Cash Count Certification Report." The amount certified on each FD-917 will be included on the form FD-916, titled "Cash Count Summary Report," which summarizes all cash not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. An FD-916 is to be provided monthly to executive management via electronic communication, highlighting any discrepancies, safeguarding weaknesses, or irregularities noted during the cash counts.

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SECTION 7. NATIONAL CRIME INFORMATION CENTER (NCIC) |(See MIOG, Part 1, 91-13.4 (7); Part 2, 10-3, 21-14.)|

| NCIC is a computerized index of documented criminal
| justice information available 24 hours a day, 365 days a year. NCIC
| is a nationwide system dedicated to serving and supporting local,
| state, and federal criminal justice agencies in their missions to
| uphold the law and protect the public.|

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| 7-1 PROPERTY (INCLUDING VEHICLES, LICENSE PLATES, GUNS, ARTICLES, SECURITIES, BOATS AND VEHICLE/BOAT PARTS)|

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7-1.1 Inquiry to Determine if Record of Property is on File in NCIC

(1) Ordinarily, an inquiry of an NCIC property file will be made through the terminal located in field office. However, an inquiry may be made through a local agency's terminal when it is more advantageous or convenient. The identifier of the field office for which the inquiry is being made should be used. If the field office makes an inquiry for a local agency, the local agency's identifier should be used.

(2) Where an operational inquiry concerning property results in a valid positive response(s) (hit(s)), contact the originating agency of each record possibly identical with the property in question to confirm the hit(s). Following confirmation with the originating agency(s), a locate message must be transmitted for each record on file which is identical to the property inquired upon. Also, retain original of terminal-produced printout showing inquiry message transmitted and record(s) on file in NCIC in exhibit envelope of substantive case file or other appropriate file.

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7-1.2 Entry of Property Record

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

The case Agent should ensure that a record for each uniquely serialized property item reported stolen in a Bureau case is promptly entered in the appropriate NCIC file by the office covering

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the location where the theft occurred. Timely entry of an article, boat, gun, license plate, vehicle/boat part file, securities, and vehicle file record means as soon as possible once the minimum data required for entry and the record documentation is available. Information about stolen license plates and vehicles should be verified through the appropriate motor vehicle registration files prior to record entry if possible. However, if motor vehicle registration files are not accessible, the record should be entered into NCIC and verification should be completed when the registration files become available. The case Agent should furnish information concerning property to be entered in NCIC to supervisor by one of the following means (Note: NCIC notations should not be made on documents of evidentiary nature.):

(1) Teletype, electronic communication (EC), report or Form FD-71 (complaint form) which sets forth descriptive data concerning item(s) to be entered in NCIC. (See (2) below.)

(a) Supervisor will stamp serial containing entry information with NCIC activity block, check "Entry" on block, initial, and route to terminal operator.

(b) After entering property, terminal operator will initial and date NCIC activity block and record NCIC number in appropriate space. Terminal operator will place a check mark on the NCIC line or stamp "NCIC" on the case file cover, insert NCIC Activity Log (FD-487) as top serial in case file, and place "entry" data on first line of log. Terminal operator will attach serial containing entry information to original of terminal-produced printout showing entry message transmitted, computer's acknowledgment confirming acceptance of entry, and any additional NCIC records relating to the property.

(c) Information Management Assistant will serialize document (form containing entry information, original of terminal-produced printout(s), and any other attached information). He/She will also stamp "NCIC" on case file jacket, insert NCIC Activity Log (FD-487) as top serial in case file, and complete "entry" data on first line of log if not accomplished by terminal operator.

(d) Case Agent will verify accuracy of entry by comparing terminal printout with entry information and initial NCIC activity block on serial containing the entry information; initiate any necessary investigative action with respect to any additional record(s) relating to property in NCIC. Terminal printout is to be filed in substantive case file.

(2) Case Agent will complete one copy of appropriate entry form FD-414, FD-415, or FD-416 in legible hand printing and follow instructions in Section 7-1.2(1)(a) thru (d), above.

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7-1.3 Modification of Property Record

| |An NCIC property record should be modified as soon as
| possible following the detection of erroneous data in an existing
| record or the receipt of data not already stored in the record. |

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing changes, additions, or deletions of identifying data; check "Modify" and initial where appropriate on block; specify what data is to be added, changed, or deleted, e.g., "Add VIN, see p. 3"; "Add model"; and route to terminal operator.

(2) After modifying record, terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "modify" data on NCIC Activity Log. Terminal operator will attach office file copy of communication to original of terminal-produced printout showing modify message transmitted and computer's acknowledgment confirming modification of record.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)) and complete "modify" data on NCIC Activity Log (FD-487).

(4) Case Agent will verify proper modification of record by review of terminal printout and initial NCIC activity block on serial containing modify information. Terminal printout is to be filed in substantive case file.

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7-1.4 Cancellation of Property Record

When NCIC record is determined to be invalid, or there is no longer a need to be advised if property is recovered, or the case file is destroyed according to established file destruction criteria, the record should be immediately canceled by office having record on file in NCIC.

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing cancellation information, check "Cancel" and initial where appropriate on block, and route to terminal operator.

(2) After cancelling record, terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "cancel" data on NCIC Activity Log. Terminal operator will attach office file copy of communication to original of terminal-produced printout showing cancellation message transmitted and computer's acknowledgment confirming cancellation of record.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)) and will complete "cancel" data on NCIC Activity Log and make slash mark through "NCIC" on file jacket.

(4) Case Agent will verify proper cancellation of record by review of terminal printout and initial NCIC activity block on serial containing cancel information. Terminal printout is to be filed in substantive case file.

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7-1.5 Clearance of or Placing of a "Located" in Property Record

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7-1.5.1 Property Recovered in Territory of Office Which Has Record on file in NCIC

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing property recovered, check "Clear" and initial where appropriate on block, and route to terminal operator. (See MAOP, Part 2, 7-1.5.2 (2)(a).)

(2) Terminal operator will make operational inquiries of NCIC to determine all records on file for property, transmit clear message for office's NCIC record, and place "located" in all other records for property in NCIC. Terminal operator will also initial date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log. Terminal operator will attach office file copy of communication to original of terminal-produced printout showing clear and "located" messages transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages for other records, if any, in NCIC.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)), complete "clear" data on NCIC Activity Log (FD-487), and make slash mark through "NCIC" on file jacket. (See MAOP, Part 2, 7-1.5.2 (2)(c).)

(4) Case Agent will verify proper clearance of record and placing of "located" messages in other records in NCIC, if any, by review of terminal printout and will initial NCIC activity block on serial containing recovery information. Terminal printout is to be filed in substantive case file.

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7-1.5.2 Property Recovered in Territory of Office Other Than One Which Has Record On File In NCIC

(1) Responsibility of office recovering property:

(a) Supervisor will stamp NCIC activity block on office file copy of communication showing property recovered, check "Locate" and initial where appropriate on block, and route to terminal operator.

(b) Terminal operator will make operational inquiries of NCIC to determine all records on file for property, transmit "located" message for record(s) of property in NCIC. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and attach office file copy of communication to original of terminal-produced printout showing "located" message(s) transmitted and computer's acknowledgment confirming acceptance of "located" message(s) for record(s) in NCIC.

(c) Information Management Assistant will serialize document (office file copy of communication and original terminal-produced printout(s)).

(d) Case Agent will verify proper placing of "located" message(s) on record(s) in NCIC by review of terminal printout and will initial NCIC activity block on serial containing "located" information. Terminal printout is to be filed in substantive case file.

(2) Responsibility of office having record on file in NCIC:

(a) Follow instructions in Section 7-1.5.1 (1), above.

(b) Terminal operator will make administrative inquiries of NCIC to determine if all records on file for property have "located" messages, transmit clear message for office's NCIC record and place "located" in all NCIC records for property not having "located" messages. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing clear and "located" messages, if any, transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages.

(c) Follow instructions in Section 7-1.5.1 (3), above.

(d) Case Agent will verify proper clearance of

record and placing of "located" messages, if any, by review of terminal printout and will initial NCIC activity block on serial containing recovery information. Terminal printout is to be filed in substantive case file.

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7-1.6 Validation of Property Records

(1) Every month each office will be furnished a listing of its NCIC property records (validations to be performed on-line after NCIC 2000 becomes operational) in "located" status followed by those in active status. (See Validation Schedule in the NCIC 2000 OPERATING MANUAL, Introduction, Section 3.4.) The field office will receive these listings from the appropriate state control terminal agency. The field office must follow appropriate receipt acknowledgment and certification procedures set forth by the state or metropolitan area control terminal. Validation certification must be completed within state or metropolitan area control terminal agency time frame requirements.

(2) Records in the listing are to be promptly validated for correct content and status. Supervisor will designate personnel to handle validation. Necessary modifications, clears, and cancels are to be promptly made via office's terminal. Where active records do not contain all available information, data should be added by use of a modify message. When validation is complete, reviewer will date and initial NCIC Activity Log (FD-487) in each case file.

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7-1.7 Retention Period for Property Records

Bureau records on file in NCIC property files will be retained in NCIC as specified in the NCIC OPERATING MANUAL. Each office may reenter purged property records if a specific case warrants reentry.

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7-2 FUGITIVE

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7-2.1 Inquiry

(1) Ordinarily, an inquiry of NCIC Wanted Person File will be made through terminal located in field office. However, an inquiry may be made through a local agency's terminal when it is more advantageous or convenient. The identifier of the field office for which the inquiry is being made should be used. If the field office makes an inquiry for a local agency, the local agency's identifier should be used. (Where a check of Bureau fugitive indices and Criminal Justice Information Services Division records is deemed desirable, follow procedures set out in MIOG, Part 2, 14-12, 14-15, and 21-22.)

(2) Where an operational inquiry concerning an individual results in a valid positive response(s) (hit(s)), contact the originating agency of each record possibly identical with the individual in question to confirm the hit(s). Following confirmation with the originating agency(s), a locate message must be transmitted for each record on file which is identical to the individual inquired upon. Also, retain original of terminal-produced printout showing inquiry message transmitted and record(s) on file in NCIC in exhibit envelope, FD-340, FD-340b and/or FD-340c, of substantive case file or other appropriate file.

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7-2.2 Entry of Fugitive Record

**EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

7-2.2.1 Fugitive Deserter (FUDE), Parole Violator (PV), and Mandatory Release Violator (MRV) (See MIOG, Part 1, 42-6; 2, 21-14.)

Records for these three types of fugitives are no longer entered in NCIC By FBIHQ. In FUDE cases, FBIHQ will forward the absentee wanted form DA-3835 (Army) or DD-553 (other services) to the field office for NCIC entry and appropriate investigation. Lead offices having an interest in the subject will also receive the appropriate military Request for Investigation forms from FBIHQ. (See MIOG, Part 1, Section 42 and Section 76, for further details.) In PV and MRV matters, warrant information including preformatted NCIC entry data will be transmitted to the field office by electronic communication (EC). NCIC entry should be made immediately (within 24 hours) when: (1) The decision to arrest or authorize arrest has been made; and (2) The decision has been made as to whether and how far to go for extradition. Exceptions to this rule would be if imminent arrest is expected or other clear, identifiable operational reasons would preclude immediate entry (e.g., insufficient descriptive data). Any exceptions to delayed entry in NCIC must be minimized and

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documented. Information from office files may have to be supplemented with data from other sources before adequate descriptive data is available. The following are procedures for entry of FUDE, PV, and MRV records:

(1) Upon receipt of appropriate Request for Investigation form or EC, Information Management Assistant (IMA) must search indices immediately, open a case, and prepare an indices record.

(2) The supervisor will assign the case, stamp NCIC activity block on the form or EC, check "Entry," and initial where appropriate on block. The supervisor will also at this time indicate on the form or EC that an administrative inquiry (message key ZW) on the subject be made to obtain any other NCIC records relating to the fugitive and route to terminal operator.

(3) After entering the FUDE, PV, or MRV record and making an administrative inquiry (message key ZW), the terminal operator will attach the entered record printout and the printout of the administrative inquiry (ZW) with its response to the form or EC. Terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "entry" data on NCIC Activity Log (FD-487).

(4) IMA will serialize document (all attached entry and inquiry printouts) and complete "entry" data on first line of log if not accomplished by terminal operator.

(5) Case Agent will verify accuracy of entry by review of terminal printout, initial NCIC activity block on serial containing entry information, and initiate any necessary investigative action with respect to any additional record(s) in NCIC relating to the fugitive. Terminal printouts are to be filed in substantive case file.

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| 7-2.2.2 Fugitives (Including Escaped Federal Prisoners (EFP), Probation Violators (PBV), and Bond Default) in all Classifications other than FUDE, PV, and MRV |(See MIOG, Part 2, 21-4.)|

Case Agent will prepare FD-65. Fugitive must be entered in NCIC prior to submission of FD-65 to FBIHQ if sufficient data for entry is available. Where FD-65 does not show sufficient data for entry of fugitive in NCIC, case Agent must promptly forward FD-65 to FBIHQ and develop sufficient data to enter fugitive at earliest possible time. In these instances, case Agent or supervisor is to place notation substantially as follows on original and office file copy of FD-65, "Not entered in NCIC due to insufficient data." When sufficient data is developed, case Agent should furnish file copy of initial FD-65, which contained insufficient data to enter fugitive in NCIC, and all copies of supplemental FD-65 to supervisor for entry

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process as follows:

(1) Supervisor will review FD-65 to determine if field on FD-65 has been marked to indicate Interstate Identification Index (III) inquiry was conducted, and that data from positive responses, including FBI number and possible aliases and other numerical identifiers, is included on FD-65. Supervisor will stamp NCIC activity block on office file copy of FD-65, check "Entry" and "III," initial where appropriate on block, and route FD-65 to terminal operator. (Writing of NCIC codes on FD-65 to assist in placing subject in NCIC may be done on office file copy.

(2) Terminal operator should utilize name of case Agent requesting III record noting a manual or automated log of requests must be maintained for a minimum of one year. After entering record in NCIC, terminal operator is to: (1) record NCIC number assigned to entry in block labeled "NCIC #" on FD-65; (2) initial and date NCIC activity block and record NCIC number in appropriate

space on block; and (3) attach office file copy of FD-65 to original of terminal-produced printout showing entry message transmitted, computer's acknowledgment confirming acceptance of entry and any additional NCIC record(s) already in NCIC relating to subject.

(3) Information Management Assistant/Clerk will serialize document (office file copy of FD-65, original terminal-produced printout(s), and other attached information), place a check mark on the NCIC line or stamp "NCIC" on the case file cover, insert NCIC Activity Log (FD-487) as top serial in case file and complete "entry" and "III" data on appropriate line of log.

(4) Case Agent will verify accuracy of entry by comparing terminal printout with entry information, initial NCIC activity block on serial containing the entry information, review printout of "III" inquiry, and initiate any necessary investigative action with respect to any additional NCIC record(s) relating to subject. Terminal printouts are to be filed in substantive case file.

**EffDte: 08/10/2001 MCRT#: 1131 Div: D1 Cav: SecCls:

7-2.3 Changes in Office of Origin (OO)

**EffDte: 08/14/1986 MCRT#: 0 Div: D1 Cav: SecCls:

7-2.3.1 All Fugitives Except FUDE, PV, and MRV

Office where process filed and warrant issued is to maintain record in NCIC for fugitive under its NCIC identifier regardless of change in OO. In an EFP case where subject escapes after conviction and no warrant is issued, the original OO should

maintain record in NCIC for fugitive under its NCIC identifier regardless of change in OO.

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7-2.3.2 FUDE, PV, and MRV Matters

(1) When FBIHQ authorizes change of OO, new OO is to promptly enter record for subject in NCIC as follows:

(a) Supervisor will stamp NCIC activity block on incoming FBIHQ communication authorizing change of OO; check "Entry," indicate that administrative inquiry (ZW) should be made prior to entry to retrieve former OO's record in NCIC, and initial where appropriate on block; and route communication to terminal operator.

(b) After entering record in NCIC, terminal operator is to initial and date NCIC activity block, record NCIC number in appropriate space on block, and attach FBIHQ communication authorizing change in OO to original of terminal-produced printout showing entry message transmitted, computer's acknowledgment confirming acceptance of entry, and any additional NCIC record(s) relating to subject already in NCIC.

(c) Information Management|Assistant|will serialize document (FBIHQ communication, original terminal-produced printout(s), and other attached information), place a check mark on the NCIC line or stamp "NCIC" on the case file cover, insert NCIC Activity Log (FD-487) as top serial in case file, and complete "entry" data on first line of log.

(d) Case Agent will verify accuracy of entry by comparing NCIC terminal printout of entry with printout of former OO's NCIC record for subject; initial NCIC activity block on FBIHQ communication authorizing change in OO, and initiate any necessary investigative action with respect to any additional record(s) in NCIC relating to the fugitive. Terminal printouts are to be filed in substantive case file.

(2) Former OO will cancel its NCIC record after determining by administrative inquiry (ZW) that new OO has entered record. Former OO will follow cancellation procedures set forth in Section 7-2.5, below.

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7-2.4 Modification of Fugitive Record

**EffDte: 10/19/1990 MCRT#: 0 Div: D1 Cav: SecCls:

7-2.4.1 Caution Statements

(1) Immediately (within 24 hours) modify fugitive's NCIC record to show caution statements where facts substantiate need for such statements subsequent to entry of record in NCIC by OO.

(2) See MIOG, Part II, Section 21, for procedures regarding notifying FBIHQ, interested offices, and local agencies assisting.

**EffDte: 02/14/1997 MCRT#: 626 Div: D1 Cav: SecCls:

7-2.4.2 Aliases and Identifying Data (See MIOG, Part 2, 21-14.)

(1) Within 24 hours modify fugitive's NCIC record to show aliases and changes, additions, or deletions of identifying data developed subsequent to entry of record in NCIC by OO.

(2) See MIOG, Part 2, Section 14, re use of fugitive |electronic communication| (FD-65). See Part 2, Section 10, of this manual, regarding aliases in title of case.

(3) Upon developing new descriptive data regarding a subject, it should be "flagged" for the office having the fugitive's record on file by setting forth a lead to modify NCIC. Wording such as: "Lead: WFO at WFO: Modify NCIC" or "Lead: WFO at WFO: Modify NCIC re new SOC/123456789 and new alias John Doe" can be used.

(4) After the issuance of an identification order, wanted |flyer, or|circular letter, the number of same, i.e., "I.O. #0000," should be entered into NCIC in the Miscellaneous Field which will serve as an additional flag concerning the individual's dangerous propensities and alert inquirers that an I.O., etc., is readily available.

**EffDte: 08/10/2001 MCRT#: 1131 Div: D1 Cav: SecCls:

7-2.4.3 Sources of Data for Modification

Data for modification of fugitive's NCIC record may be furnished by one of the following means:

(1) Supplemental FD-65 prepared by case Agent.

(2) |Electronic communication|

(3) Form 1-374 (transmittal routing slip for identification record)

When an identification record or background information from an identification record is furnished to field by Form 1-374 and is positively identified with a Bureau fugitive, review this data for any necessary modification of fugitive's NCIC record. Add FBI number and NCIC fingerprint classification (if not already shown in record), along with any other pertinent data, to subject's NCIC record.

(4) Deleted

**EffDte: 08/10/2001 MCRT#: 1131 Div: D1 Cav: SecCls:

7-2.4.4 Modification Procedure (See MIOG, Part 2, 21-14.)

Following is the procedure for modification of a fugitive's NCIC record:

(1) Modification of NCIC records must be made immediately (within 24 hours) following the detection of erroneous data in an existing record, the receipt of data not already stored in the record, or upon receipt by the inputting agency/office of the information prompting the change.

(2) Supervisor will stamp NCIC activity block on office file copy of communication or form showing changes, additions, or deletions of identifying data; check "Modify" and initial where appropriate on block; specify what data is to be added, changed, or deleted; e.g., "Modify NCIC-add aliases" or "Modify NCIC-add Social Security number"; and route to terminal operator.

(3) After modifying record, terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "modify" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication or form to original of terminal-produced printout showing modify message transmitted and computer's acknowledgment confirming modification of record.

(4) Information Management Assistant will serialize document (office file copy of communication and original terminal-produced printout) and complete "modify" data on NCIC Activity Log.

(5) Case Agent will verify proper modification of record by review of terminal printout and initial NCIC activity block on serial containing modify information. Terminal printout is to be filed in substantive case file.

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7-2.5 Cancellation of Fugitive Record (See MAOP, Part 2, 7-2.3.2 (2); MIOG, Part 2, 21-14.)

NCIC record concerning Bureau fugitive must be immediately (within 24 hours) cancelled by office with record on file when outstanding process is dismissed prior to subject being located/apprehended. (Note: When federal process is dismissed in favor of local prosecution in unlawful flight fugitive matters, fugitive's NCIC record is to be cleared based on apprehension data.) The procedure for cancelling a fugitive record is as follows:

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing cancellation information, check "Cancel" and initial where appropriate on block, and route to terminal operator.

(2) After cancelling record, terminal operator will initial date, and record NCIC number on activity block. Terminal operator may enter "cancel" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing cancellation message transmitted and computer's acknowledgment confirming cancellation of record.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout), complete "cancel" data on NCIC Activity Log, and make slash mark through "NCIC" on file jacket.

(4) Case Agent will verify proper cancellation of record by review of terminal printout and initial NCIC activity block on serial containing cancel information. Terminal printout is to be filed in substantive case file.

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7-2.6 Clearance of or Placing of a "Located" in Fugitive Record

**EffDte: 08/14/1986 MCRT#: 0 Div: D1 Cav: SecCls:

7-2.6.1 Fugitive Located/Apprehended in Territory of Office Which has Record on File in NCIC

Responsibility of office having record on file in NCIC is as follows:

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(1) Supervisor will stamp NCIC activity block on office file copy of communication showing fugitive located/apprehended, check "Clear" and initial where appropriate on block, and route to terminal operator. (See MAOP, Part 2, 7-2.6.2 (2)(a).)

(2) Terminal operator will make operational inquiries of NCIC to determine all records on file for fugitive, immediately (within 24 hours) transmit clear message for office's NCIC record, and place "located" in all other records for fugitive in NCIC. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing clear and "located" messages transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages for other records, if any, in NCIC.

(3) Information Management|Assistant|will serialize document (office file copy of communication and all original terminal-produced printouts), complete "clear" data on NCIC Activity Log, and make slash mark through "NCIC" on file jacket. (See MAOP, Part 2, 7-2.6.2 (2)(c).)

(4) Case Agent will verify proper clearance of record and placing of "located" messages in other records in NCIC, if any, by review of terminal printout and will initial NCIC activity block on serial containing location/apprehension information. Terminal printout is to be filed in substantive case file.

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7-2.6.2 Fugitive Located/Apprehended in Territory of Office Other Than One Which Has Record on File in NCIC

(1) Responsibility of office locating/apprehending fugitive is as follows:

(a) Supervisor will stamp NCIC activity block on office file copy of communication showing fugitive located/apprehended, check "Locate" and initial where appropriate on block, and route to terminal operator.

(b) Terminal operator will make operational inquiries of NCIC to determine all records on file for fugitive, transmit "located" message for record(s) of fugitive in NCIC. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and attach office file copy of communication to original of terminal-produced printout showing "located" message(s) transmitted and computer's acknowledgment confirming acceptance of "located" message(s) for record(s) in NCIC.

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(c) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)).

(d) Case Agent will verify proper placing of "located" message(s) on record(s) in NCIC by review of terminal printout and will initial NCIC activity block on serial containing location/apprehension information. Terminal printout is to be filed in substantive case file.

(2) Responsibility of office having record on file in NCIC is as follows:

(a) Follow instructions in Section 7-2.6.1 (1), above.

(b) Terminal operator will make administrative inquiries of NCIC to determine if all records on file for fugitive have "located" messages, immediately (within 24 hours) transmit clear message for office's NCIC record and place "located" in all other NCIC records for fugitive not having "located" messages. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing "clear" and "located" messages, if any, transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages.

(c) Follow instructions in Section 7-2.6.1 (3), above.

(d) Case Agent will verify proper clearance of record and placing of "located" messages, if any, by review of terminal printout and will initial NCIC activity block on serial containing location/apprehension information. Terminal printout is to be filed in substantive case file.

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7-2.7 Fugitives Located Outside U.S.

NCIC records should not be cleared or cancelled nor should a "located" be placed against record. NCIC record is to remain active until subject is in Federal custody in the United States, regardless of whether substantive case is in pending or pending-inactive status.

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7-2.7.2 Deleted

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7-2.8 Validation of Fugitive Records

(1) A portion of all Wanted Person File records are validated every month pursuant to the schedule contained in the NCIC OPERATING MANUAL, Introduction, Section 3.4. Validation means that the originating agency reviews each record to determine: (1) that records which are no longer current have been removed from NCIC; (2) that all records contain all available information; and (3) that all information contained in each record is accurate.

(2) Each field office receiving a validation request from its appropriate control terminal agency should follow appropriate receipt acknowledgment and certification procedures set forth by that agency. Each record in the listing is to be promptly validated. Supervisors will designate personnel to handle validation. Necessary modifications, clears, and cancels are to be made promptly via the office's terminal. When a record does not contain all available information, data should be added by use of a modify message.

(3) On completion of validation, the reviewer will date and initial the NCIC Activity Log (FD-487) in each case file.

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| 7-2.8.1 Deleted |

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| 7-2.8.2 Deleted |

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7-2.9 Retention Period for Fugitive Records

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FBI fugitive records on file in NCIC Wanted Person File will be retained in NCIC as specified in the NCIC OPERATING MANUAL.

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| 7-2.10 Foreign Fugitive, U.S. Secret Service|Protective, Deported Felon, Convicted Person on Supervised Release, and Convicted Sexual Offender Registry|Files (See MIOG, Part 1, 175-16(5) and Part 2,|16-16.5, 16-16.6,|16-16.8.)

For inquiries only. For instructions on inquiries and proper handling of positive responses from the Foreign Fugitive File, the U.S. Secret Service Protective|File, the Deported Felon File, Convicted Person on Supervised Release File, and Convicted Sexual Offender Registry File,|see the NCIC|2000|OPERATING MANUAL.

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7-3 MISSING PERSON

**EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

7-3.1 Inquiry

Where an operational inquiry of the Wanted Person File (message key QW) or of the Vehicle File (message key QV) results in a valid positive response (hit) on a missing person record other than an FBI|kidnapping|victim entry, follow Bureau procedures for handling investigative matters not within FBI jurisdiction. Retain original of terminal-produced printout showing inquiry message transmitted and record(s) on file in NCIC in exhibit envelope,|FD-340, FD-340b and/or FD-340c,|of substantive case file or other appropriate file.

**EffDte: 01/21/2004 MCRT#: 1315 Div: D1 Cav: SecCls:

7-3.2 Entry of Missing Person Record

(1) Field office may enter an NCIC Missing Person File record for the victim in a|kidnapping|case where such entry is deemed beneficial to the case. In such a case, the record should be entered using message key|EMI|(Missing Person - Involuntary). The entry of a missing person record should be made in a timely manner in accordance with NCIC policy. Timely entry of a Missing Person File record means as soon as possible once the minimum data required for entry and the

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appropriate record documentation is available.

(2) Field office may enter a Missing Person File record upon request from an individual provided certain guidelines are followed. (Use Forms FD-626 and FD-630. These forms should be placed in the 79-0 administrative control file after NCIC entry has been made by the field office. These forms are intended for field office use and should not be forwarded to FBIHQ.) (See the MIOG, Part 1, Section 79 and Part 2, 16-16.3.)

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7-3.3 Modification, Cancellation, Location, and Clearance of Missing Person Records

Follow instructions in NCIC OPERATING MANUAL for modification, cancellation, location, and clearance of NCIC Missing Person records. Use NCIC activity block stamp, "NCIC" stamp, and NCIC Activity Log (FD-487) in the same manner as for NCIC property and fugitive record transactions.

**EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

7-3.4 Validation of Missing Person Records

(1) A portion of all Missing Person File records are validated every month pursuant to the schedule contained in the NCIC | 2000|OPERATING MANUAL, Introduction, Section 3.4. Validation means that the originating agency reviews each record to determine: (1) that records which are no longer current have been removed from NCIC; (2) that all records contain all available information; and (3) that all information contained in each record is accurate.

(2) Each field office receiving a validation request from its appropriate control terminal agency should follow appropriate receipt acknowledgment and certification procedures set forth by that agency. Each record in the listing is to be promptly validated. Supervisors will designate personnel to handle validation. Necessary modifications, clears, and cancels are to be made promptly via the office's terminal. When a record does not contain all available information, data should be added by use of a modify message.

(3) On completion of validation, the reviewer will date and initial the NCIC Activity Log (FD-487) in each case file.

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| 7-3.4.2 | Deleted |

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7-3.5 Retention Period for Missing Person Records

FBI missing person records on file in NCIC Missing Person File will be retained in NCIC as specified in the NCIC Operating Manual.

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7-4 INTERSTATE IDENTIFICATION INDEX (III)

**EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

7-4.1 Inquiry

(1) The III allows on-line accessibility of criminal arrest records through the use of your NCIC computer terminal. The III maintains index records which contain personal descriptive data of the subject of the criminal history record. The location of the data base(s) which stores the criminal history record is also part of the Index. Records available through the III include: subjects arrested with dates of birth 1956 or later and all individuals arrested for the first time on or after July 1, 1974, regardless of their dates of birth AND SELECTED older records converted to the automated system for certain fugitives and repeat offenders. (See MIOG, Part 2, 10-5.)

(2) Detailed instructions for conducting name searches and record retrievals are set forth in the NCIC OPERATING MANUAL. The state control terminal officer within your state can respond to any questions or problems you might have concerning the operation of your NCIC computer terminal.

(3) All field offices are encouraged to use III in their daily operations.

(4) If no record is located through the III File, check with the FBI Criminal Justice Information Services Division since it maintains additional records not available through III.

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7-5 OTHER SERVICES PROVIDED BY NCIC

**EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

7-5.1 Off-Line Search (See MIOG, Part 2, 16-16.1.)

An off-line search (inquiry) is a special query of the NCIC computer for information which cannot be obtained through the use of an on-line inquiry. An off-line search of NCIC data may be conducted and/or coordinated by the state control terminal agency or the Criminal Justice Information Services Division, Programs Support Section, in West Virginia at the request of the case Agent or field supervisor. For more details, see the NCIC pamphlet, "NCIC Off-Line Search."

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7-5.2 National Law Enforcement Telecommunications System, Inc. (NLETS)

Criminal Justice Information Services Division, Programs Support Section in West Virginia may be contacted via the NLETS using the identifier DCFBIWAQ9. (See MIOG, Part 2, 16-15 and 16-16.)

**EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

7-5.3 Canadian Police Information Centre (CPIC) System (See MIOG, Part II, 16-16.2.)

The CPIC System may be accessed through NLETS. Refer to your State Operating Manual for guidelines to access this database.

**EffDte: 08/18/1994 MCRT#: 291 Div: D1 Cav: SecCls:

7-5.3.1 Canadian Vehicle Index (CVI)

The CVI will match all NCIC Vehicle and Boat Inquiries
| against CPIC Vehicle and Boat records. For details, see|the NCIC
| OPERATING MANUAL, Vehicle File.|

**EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

7-5.4 NCIC Publications List

NCIC maintains a list of all NCIC publications available.
Contact Criminal Justice Information Services Division, Programs
| Support Section|in West Virginia|for a copy.

**EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

7-5.5 NCIC Policy for Distribution of Criminal Justice Information Services Division Newsletter, NCIC OPERATING MANUAL, and NCIC CODE MANUAL

The distribution of the above publications will be as
follows:

(1) Each field office is furnished two copies of
the Criminal Justice Information Services Division Newsletter, unless
additional copies are requested. Contact CJIS, Programs Support
| Section|in West Virginia|to increase the number of copies furnished.

(2) The distribution of the NCIC CODE MANUAL and NCIC
OPERATING MANUAL and subsequent revisions is left to the discretion of
the SAC of each office. The SAC should promptly notify CJIS, Programs
| Support Section|in West Virginia|of any desired changes to the current
amount received by the field office.

**EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

| 7-5.6 Unidentified Person File |(See MIOG, Part 2, 16-16.4.)|

For information on the Unidentified Person File, see the
| NCIC OPERATING MANUAL.

**EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

7-5.7 Originating Agency Identifier (ORI) File

 The ORI File contains pertinent data on local, county,
state, and federal law enforcement and criminal justice agencies
| nationwide. Refer to the NCIC OPERATING MANUAL for details
| on accessing this file.

**EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

7-5.8 Violent Gang and Terrorist Organization File (VGTOF) (See MIOG, Part 2, 16-16.9.)

 The VGTOF is an automated national index of known members
and reference information on violent gangs and terrorist
organizations. This file is for investigative purposes. For details,
| see|the NCIC OPERATING MANUAL.|

**EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

| 7-5.9 |Protection Order File (POF)

| The POF contains information concerning protection orders
| issued by both civil and criminal courts. For details, see the NCIC
| OPERATING MANUAL.|

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***** END OF REPORT *****

SECTION 8. TRAINING

8-1 AGENT'S TRAINING

8-1.1 New Agent's Training

8-1.1.1 Oath of Office

The Oath of Office is administered to new employees reporting for new Agents' training by the Assistant Director, Training Division, or a designated representative of the Training Division at the FBI Academy.

8-1.1.2 Indoctrination (See MAOP, Part 1, 2-4.)

When newly appointed Special Agents (SA) report to the FBI Academy, they are administered the Oath of Office. A representative of the Security Countermeasures Program will afford them an introductory security awareness briefing covering the hostile threat to the United States and the notification requirements pertaining to employee marriages to non-Bureau persons, unofficial foreign travel and unofficial contacts with foreign nationals from specified hostile countries. Thereafter, the SA trainees will execute all necessary forms incidental to entry on duty. The trainees undergo a rigorous training program of at least 83 training days. Trainees attend classes from 7:45 a.m. until 5 p.m., Monday through Friday, with routine evening and weekend training classes. New Special Agents are initially indoctrinated in a comprehensive New Agents' training course with counselors providing guidance and observation of the trainees' progress.

8-1.1.3 Scope and Nature of New Agent's Training Program

The New Agent's Training Program generally consists of four parts: classroom instruction, defensive tactics and physical training, firearms training, and practical applications. Each trainee is carefully observed and evaluated during the program. Failure to demonstrate the competencies required of a Special Agent trainee will result in dismissal. The minimum passing grade on each of the academic examinations is 85 percent.

8-1.1.4 Outright Disqualifying Conditions

- (1) Two failures on the same subject matter.
- (2) Two outright failures.
- (3) Deleted.
- (4) Failure to demonstrate proficiency in defensive tactics.
- (5) Failure to attain a passing score on all qualifying firearms courses.
- (6) Deleted.
- (7) Deleted.
- (8) Deleted.

8-1.2 Probationary Agent Program (PAP)

8-1.2.1 Program Intent and Objectives (See MAOP, Part I, 5-4.3.)

New Special Agent trainees, upon successful completion of training school, continue in a probationary status for a full two years (one year for trainees appointed before December, 1994) from the date they enter on duty. See MAOP, Part I, 21-1. The program is designed to:

- (1) Provide the Probationary Agent (PA) a comprehensive job-related curriculum to be completed in training sessions throughout the probationary period,
- (2) To provide the PA a comprehensive range of core criminal investigative skill experiences in preparation for future complex specialized assignments,
- (3) To evaluate the PA's training and job performance and provide remediation where necessary, and
- (4) To appraise the PA's performance and complete the Special Agent Selection process.
- (5) Deleted

8-1.2.2 Program Administration

Although the SAC is responsible for the overall supervision of the program and is to personally approve the final selection of each new Special Agent, the squad supervisor has first-line responsibility for program implementation. Each office will designate an experienced Special Agent as the Probationary Agent Training Coordinator who will be responsible to maintain program manuals, resource materials, training curriculum and to coordinate the training sessions. Each office will also designate several mature, experienced and highly successful Special Agents to serve in the role of Field Training Agent. These Agents are to work with the PA and provide guidance and instruction in the application of investigative techniques as well as informal critiques of the PA's performance and written work product. The PA will maintain a "training log" to assist program administration.

8-1.2.3 Program Actions (See MAOP, Part 1, 5-4.3, 21-7 (6); 2, 1-1.4 (2), & 1-3.13.3.)

- (1) Newly arrived PAs should be greeted personally by the SAC or, in SAC's absence, the ASAC, in which case the SAC is to meet the PA at the first opportunity.
- (2) During the first 40 workdays in the new office of assignment, after routine orientation the PA is to be assigned to work full time, for 20 full workdays, with a Field Training Agent and/or other experienced, successful Agents on "interview-intensive" matters.
- (3) The job-related curriculum, as well as the core criminal investigative skill experiences as outlined in the program manual, should be completed during the probationary period. At a minimum, skill experiences 1-9 should be completed during the probationary year and the balance before the end of the second year.
- (4) File reviews with PAs are recommended every 30 days but must be conducted at least every 60 days. See program manual for additional details regarding documentation. A PA's first annual Performance Appraisal Report (PAR) is to be issued upon his/her completion of the first year on

duty; the PA's second annual PAR is to be issued upon his/her completion of their second year on duty. Complete narrative summaries, including specific examples of the PA's accomplishments and deficiencies, are to be included for each critical element rated at the Does Not Meet Expectations rating level in the first and second annual PARs. Subsequent annual PARs are issued in accordance with established Performance Appraisal System policy. (See MAOP, Part 1, 5-4.3.)

(5) Prior to leaving the FBI Academy, the PA will be issued a training log which will contain a checklist of the required core skill experiences and the training topics. At the end of the probationary period, after completion of the experiences, curriculum and appraisal, the original of the log is to be maintained in the field office PAP control file for two years. (In the event the PA is serving a one-year probationary period, and the experiences are not completed within the one-year period, filing of the log should be done upon completion but no later than the end of the PA's second year.)

8-1.2.4 Public Relations and News Media Matters

New Special Agents assigned to a field office may, in certain circumstances, be contacted directly by aggressive members of the news media. In order for them to be fully prepared for such contacts, each SAC shall ensure that all new Agents in that division have a working knowledge of the rules and regulations governing public relations and news media matters as set forth in Part II, Section 5, of this manual. They should also be familiarized with any individual policies of the SAC regarding such matters.

8-1.2.5 Assignment of Probationary Agents (See MAOP, Part I, 5-4.3.)

(1) Although the SAC has full flexibility in the assignment of the PA, the PA's assignment must allow availability and opportunity for participation in the core skill experiences and training sessions. The assignment must also allow the availability of a Field Training Agent or other competent, experienced Special Agent to work with and should provide supervisory continuity for proper training administration, appraisal, and selection. Periodic squad rotations should not be necessary.

(2) During the probationary period, new Special Agent Accountants (SAA) should receive a well-rounded range of core criminal investigative skill experiences through their full participation in the PAP. Upon successful completion of their probationary period, new SAAs should receive assignments which fully develop and utilize their investigative and accounting expertise.

8-1.3 Agent's Field Training Program

8-1.3.1 Testifying in Court

(1) All Agents must be afforded an opportunity to testify in Federal court, before a Federal grand jury, or at a U.S. Magistrate's hearing.

(2) SACs may grant any Special Agent, regardless of years of service, approval to attend trials in Federal court whenever it is determined to be of benefit to the overall development of their testifying skills. Preference should be given to Federal trials involving FBI cases.

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(3) SAC is to determine whether an Agent made a satisfactory witness on Agent's first appearance in Federal court. Record in Agent's personnel file:

- (a) Facts as to what kind of a witness he/she made
- (b) The title of the case

8-1.3.2 Agent's Annual General Conference (See Legal Attache Manual, Part 1, 2-12.1.)

(1) A conference of Agents is to be held annually during working hours. (The Senior Resident Agent or a designated Agent may represent the resident agencies at these conferences.) If the technology is available, these conferences may be videotaped and/or video conferenced for the convenience of the resident agencies and for the personnel unable to attend.

(2) SAC is to hold other conferences of all personnel whenever circumstances dictate.

(3) Agents are to be advised of important matters on a current basis at squad conferences (or office conferences in small offices) and at such gatherings as firearms sessions, etc. (See MAOP, Part 2, 8-2.2.)

(4) At the conference, recent SAC memoranda, policy changes, and legal and ethical problems are to be discussed. The role of the Shooting Incident Review Group (SIRG), Criminal Investigative Division (CID), and the Office of the General Counsel, in shooting investigations must be discussed as part of the curriculum, so that Agents can better understand and appreciate the complexities involved in such investigations. Additionally, all Agents should be introduced to and familiarized with Bureau shooting incident guidelines as set forth in MIOG, Part 2, 12-11.1 through 12-11.9. (Items regarding Equal Employment Opportunity as contained in Part 1, 4-7.1, of this manual are to be reiterated.) Matters in Phase 2 of Security Awareness Program (See *Security Policy Manual*, Policies, Security Awareness.) A presentation from the divisional Employee Assistance Program (EAP) Coordinator or Regional EAP Program Manager, on the EAP, including availability and accessibility of EAP resources for FBI employees and family members, program confidentiality, and other psychological services provided by the Employee Assistance Unit, Administrative Services Division, must be included as part of the conference. Other subjects for discussion are to be solicited from the Agents in advance of the conference. Wherever practical, the seminar approach should be utilized. (See MAOP, Part 2, 8-2.2; MIOG, Part 1, 261-2 (2).)

(5) Deleted

(6) The SAC personally must direct the conference, except whenever FBIHQ otherwise directs.

(7) Documentation (handwritten or otherwise) of meetings should be maintained in the appropriate administrative file.

(8) Deleted

(9) Deleted

8-1.3.3 Deleted

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8-1.4 Training at a Non-Government/Government Facility (See MAOP, Part 1, 22-2.1 (3).)

On occasion an employee may receive training with prior Bureau approval and at the Bureau's expense. Such training, usually arranged under the Government Employees' Training Act (GETA), must be related directly to the FBI's mission, i.e., the FBI's Strategic Plan, and requires him/her to first sign an agreement to remain in the service a specified length of time following completion of the training. His/Her voluntary departure before completing this agreed period of service obligates him/her to repay the costs of the training. If the employee receives salary covering the training period, he/she will serve in the FBI three times the length of the training period. If the employee receives no salary during the training period, he/she will agree to serve the FBI for a period equal to the length of training, but in no case less than one month. Under certain circumstances, the length of the continued service agreement may not be determined by the above schedules but may be otherwise established. Should an employee be unable to attend the training session, which was approved by the GETA, the employee is responsible for notifying the GETA Program Manager, Training Division, of his/her inability to attend scheduled training so that the FBI can obtain a refund.

8-1.5 Deleted**8-1.6 In-Service Training - FBI Academy****8-1.6.1 Purpose**

The primary purpose of the FBI in-service program is to help furnish all Bureau employees with the necessary skills, attitudes, and knowledge to enable them to perform their job professionally, economically, effectively, and efficiently.

8-1.6.2 In-Service Schedule (Formerly 8-1.6.3)

(1) Each year, the Training and Development Division (TDD) sends a training survey to the FBIHQ divisions, requesting a comprehensive list of all Bureau in-service training for state, local, or international law enforcement that each division wishes to sponsor. Based upon the available travel funding and dormitory and classroom space at the FBI Academy, the TDD uses the results of the survey to formulate the annual training schedule. Each training class that has been scheduled is the responsibility of an employee of the sponsoring division, the class coordinator. The training schedule is available on the Quantico Student Information System (QGIS), under "Advanced Professional Training Catalog."

(2) Approximately 90 days prior to the start of each class scheduled, the class coordinator will receive an e-mail from the Training Services Unit (TSU), TDD, with detailed information, including the class name, the travel authorization number, the number of slots available for paid travel and accommodations, the travel dates, the class code for In-Service Training and Registration (ITAR) use, and other pertinent information. Each class coordinator receiving the e-mail must respond within two weeks to either confirm the accuracy of the data or request that changes be made.

(3) As soon as possible after the receipt of the e-mail, each class coordinator should send out an electronic communication to the appropriate field offices and/or FBIHQ divisions to notify them of the details of the upcoming class and training slots available to each.

8-1.6.3 ITAR Policy: Requesting In-Service Training

All FBI personnel requesting attendance at an in-service training class must complete a self-nomination form (FD-878), or their supervisor can submit a supervisory nomination form (FD-879). These forms must be submitted to the designated training personnel within each office or division, who must then enter the information into the ITAR system. All students must be entered into ITAR regardless of the type of in-service training. This includes all executive training, management and non-management training and basic in-services.

(1) The office or division management must take appropriate action to approve or disapprove the training request such as holding a career board, if required by policy, to make a selection. The specific action taken by management must then be entered into ITAR. All of this must be completed prior to close of business on the Tuesday of the week preceding the class start date. If requests/applications and the approval or disapproval of those requests are not entered into the ITAR system, the division or office will be precluded from participation in the in-service training.

(2) Additionally, all non-FBI students, e.g. Joint Terrorism Task Force students, must also be registered in ITAR. The class coordinator and/or sponsoring field office must ensure all non-FBI students are registered in ITAR. In accordance with current security regulations, non-FBI students will not be permitted access to the FBI Academy unless they are properly registered for a training class.

(3) If an FBI or non-FBI student arrives at the FBI Academy and is not registered for a specific class, the student will be instructed to return to his/her field office. A letter will be sent to the SAC advising of the unapproved arrival of the student and Training and Development Division (TDD) will not reimburse the student for expenses incurred as a result of the unauthorized travel.

(4) Exceptions to the above policy will only be granted if approval is received from the Assistant Director or the Deputy Assistant Director of TDD.

(5) All students should make their travel arrangements to coincide with bus transportation scheduled from Washington Reagan National Airport. The bus schedules are provided to all training technicians in each field office via e-mail. In accordance with current policy, TDD will not reimburse students for rental cars or shuttle service.

(6) General information regarding scheduled in-services and bus schedules can be obtained by calling the in-service hot line at (703) 632-3083.

(7) The designated class coordinator will make selections and create the class roster from the list of students approved by management as shown on ITAR. The class coordinator will also notify the divisions of the attending students.

(8) All lodging assignments at the FBI Academy are made by TDD using the ITAR records as a source. Therefore, if a potential student is not registered through ITAR, no lodging arrangements will be made.

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(9) Each class coordinator is responsible for making sure all potential students are entered into ITAR. By COB Tuesday, six days before the start of the class, each class coordinator must make selections on ITAR of those students who will be attending and transfer the information from the ITAR to the Quantico Student Information System (QSIG). Each class coordinator must also ensure that all non-FBI attendees and instructors or counselors are entered into ITAR before transferring the information to QSIG.

(10) Class coordinators are locked out of ITAR and unable to make any changes after COB Tuesday of the week before the class, and no lodging changes will be accepted after this date.

(11) The class coordinator is also responsible for advising all students of any changes in the schedule, such as cancellations, and ensuring all students badges are returned at the conclusion of their class.

(12) The class coordinators are responsible for providing a final attendance roster to TSU to ensure students are graduated and received credit in BPMS.

(13) Each student is responsible for checking with their field office/division's training technician or training coordinator to see if they were selected for training prior to traveling to Quantico. Only students on the approved Quantico training roster will be allowed to attend training. Confirmation from the class coordinator is not a guarantee that you have been selected and approved in to QSIG which is the official record. Training technicians and training coordinators can check ITAR to determine if a student has been selected for training. As previously stated, students arriving at Quantico who are not on the approved list will be instructed to return to their respective field office.

8-1.6.4 Selection of Attendees (Formerly 8-1.6.2)

(1) Field offices and FBIHQ divisions that have personnel attending in-service training are not required to submit any paperwork to the Class Coordinator of the training, although some may ask for additional information from offices wishing to send students to the class. The In-Service Training and Registration (ITAR) System will be the mechanism to register for the class.

(2) The designated Class Coordinator will make selections and create the class roster from the list of students approved by management as shown on the ITAR System. The Class Coordinator will also make appropriate notifications back to the divisions. The Class Coordinators should ensure that all students, instructors, and counselors are selected for input on the ITAR System and the information is transferred into the Quantico Student Information System at least six calendar days prior to the start of the class.

8-1.6.5 Lodging at the FBI Academy

(1) All lodging assignments at the FBI Academy will be made by the Training Division using the ITAR records as a source. Any additional information or changes to the roster after the Class Coordinator has submitted it via ITAR should be E-mailed to the Academy Lodging E-Mail Account.

(2) Lodging assignments for Bureau personnel can be obtained by running the report "Quantico Lodging Assignments of Your Division" which is available on QSIG the Thursday and Friday of the week immediately preceding the start of the week in question.

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8-1.6.6 In-Service Curriculum (Formerly 8-1.6.4)

In-service training is highlighted by coordinated planning and implementation of training programs designed to meet our critical priorities. Input is solicited on an annual basis from each field office relative to the in-service programs most needed by the field. In-services will be scheduled on the basis of FBIHQ priorities, as well as the needs of our field divisions.

8-1.6.7 In-Service Control File (Formerly 8-1.6.5)

Each office will maintain a file to serve as a repository for all communications pertaining to in-service training. This file should include such items as the FD-878 and FD-879 forms submitted by office personnel, and the reply to any in-service surveys sent out by FBIHQ divisions.

8-2 SUPPORT PERSONNEL**8-2.1 Deleted****8-2.2 Support Personnel Conferences (See Legal Attache Manual, Part 1, 2-12.3; Correspondence Guide - Field, 1-2.)**

(1) At FBIHQ - All divisions are required to hold annual conferences for all employees to be refreshed on policy and other changes. Items regarding Equal Employment Opportunity as contained in Part 1, 4-7.1, of this manual, are to be reiterated. The larger divisions are permitted at their discretion to conduct such conferences on a sectional or unit basis where the number of employees in the division warrants such to ensure maximum benefit to the employees.

(2) In field offices - (See MAOP, Part 2, 8-1.3.2 (4); MIOG, Part 1, 261-2; National Foreign Intelligence Program Manual, Part 1, 8-1.1.)

(a) Held annually and supervised by SAC; ASAC to attend if in headquarters city.

(b) Program to be prepared in advance and based on suggestions made by both support personnel and Agents and discussion handled by them. In all conferences, items regarding Equal Employment Opportunity as contained in Part 1, 4-7.1, of this manual, are to be covered. Wherever practical the seminar approach should be utilized.

(c) Matters in Phase 2 of Security Awareness Program (See *Security Policy Manual*, Policies, Security Awareness.)

(d) A presentation from the divisional Employee Assistance Program (EAP) Coordinator or Regional EAP Program Manager, on the EAP, including availability and accessibility of EAP resources for FBI employees and family members, program confidentiality, and other psychological services provided by the Employee Assistance Unit, Administrative Services Division, must be included as part of the conference.

(e) Longhand notes to be taken but are not graded.

(f) Suggestions made to be handled as those made during Agents' annual conferences.

(g) The program, containing a handwritten notation that it was held, is to be filed administratively.

8-2.3 Training for Foreign Assignment

See Part I, 11-15, of this manual for information concerning this training.

8-2.4 Training for Certified Public Accountants (CPA) Support Personnel

The following criteria is set forth concerning the reimbursement of CPA review courses for support personnel.

- (1) Employees must be assigned to Auditor, GS-510 Accountant, or Financial Analyst positions. Employees must be a GS-9 or higher, have been at the GS-9 level at least one year, and have been in position at least one year. Employee must also possess a four-year undergraduate accounting degree.
- (2) Deleted
- (3) Before the Bureau will reimburse an employee for a CPA review course, all parts of the review course and 90 percent of assigned homework must be satisfactorily completed. Travel costs will not be reimbursed.
- (4) Eligible employees desiring to participate in this program must prepare an SF-182 "Request of Training" and submit same to the Training Office at least 30 days prior to training commencement date. Upon completion of the course, the employee should submit receipts showing payment of tuition, and a grade slip or statement from the instructor showing the course was successfully completed. No reimbursement for training costs will be made for employee failing to successfully complete the course unless the course is discontinued for official purposes.
- (5) Deleted

8-3 FIELD POLICE TRAINING PROGRAM

8-3.1 Purpose

The Field Police Training Program (FPTP) serves as the foundation for the FBI's Comprehensive Law Enforcement Training Program. The goal of this program is to improve the investigative, managerial, technical, and administrative capabilities of local, county, and state law enforcement and other criminal justice personnel by providing, upon request, education and training programs in local, state, and regional facilities throughout the United States by qualified FBI police instructors. The specific objective of the FPTP is as follows:

- (1) Contingent upon field office expertise, instructor availability, and budgetary constraints, provide training assistance to improve the investigative, management, technical, and administrative skills of local, county, and state law enforcement and other criminal justice personnel.
- (2) To create and maintain the requisite conditions to facilitate cooperation between FBI and local agencies in areas of mutual concern and interest.
- (3) Through the training, technical assistance, and liaison process, improve the effectiveness of FBI field investigative operations.

8-3.2 Policy

(1) The Bureau will provide training assistance for duly constituted state, county, and local criminal justice agencies based on either assessment of agency training needs or relevancy to division investigative programs and provide training assistance to only those agencies who lack instructional expertise. Training assistance should be limited to those areas in which the FBI has the required expertise and personnel qualified to provide assistance. Field office efforts should concentrate on courses designed to "train the trainer." This is of particular importance in such labor-intensive areas as firearms and defensive tactics.

As a general rule, instructional and technical assistance should be distributed throughout the field office territory and not localized or limited to a few agencies. SAC or his/her designee is expected to participate in local, county, state, and regional training associations, advisory boards, etc.

(2) Police training commitments may be solicited on a conservative basis; however, no law enforcement executive should be given the impression they must schedule training schools and utilize FBI assistance.

(3) A record of schools conducted should be recorded on the automated PTS (Police Training System) and a paper copy for each school should be maintained in appropriate field office file.

(4) The primary thrust of FBI police training activities should be to provide training assistance for full-time local, county, and state police officers. Therefore, specific prior FBIHQ approval must be obtained before scheduling EXTENSIVE training assistance for part-time criminal justice groups or for other federal agencies. Your communication requesting approval to conduct extensive training for these agencies should be directed to FBIHQ, Attention: Training Division, and should set forth full justification as to how such training will benefit the criminal justice community. Communication should be directed to the Bureau UACB. Specific FBIHQ approval is not required to furnish a short, one-time presentation such as "Jurisdiction of the FBI" before a part-time criminal justice group or other federal agency. Discretion must be used in committing police training resources to such activity.

(5) As a general policy, the Bureau cooperates with colleges and universities in police training if the training is conducted in cooperation with law enforcement, attendance is restricted to regular law enforcement personnel, and no actual tuition, other than nominal fees for registration, supplies, room and board, is charged. You may receive requests for police training assistance at these institutions which do not conform to our general policy. If you believe it would be in the best interest of law enforcement for the Bureau to participate, submit full justification and recommendations to FBIHQ, Attention: Training Division, for review prior to making any commitment. FBI instructional resources should be allocated only to criminal justice-related matters. This training policy does not restrict nor apply to appearances at colleges and universities which are speeches or purely academic and educational endeavors; however, such activities will not be charged to police training under the Time Utilization Recordkeeping System.

(6) Attendance at police schools should be limited to individuals connected with duly constituted local, county, or state criminal justice organizations. The number in attendance should be sufficient to justify the time of Bureau instructors. Police schools in which Bureau personnel participate must

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have nondiscriminatory enrollment policies and training practices insofar as race, sex, color, and national origin are concerned.

(7) The Bureau does not participate in schools charging fees or tuition except in instances in which nominal charges are necessary for room, board, supplies and custodial services.

(8) Only qualified personnel are to be utilized instructors in this program. All qualified instructors may teach general subjects; however, additional training is required to teach the specialty areas such as firearms, fingerprints, laboratory, photography, etc. Agents assigned to highly confidential duties, particularly in the security field, should not be used in police schools. Agents in a probationary status should not be used as police instructors without FBIHQ approval. If feasible, the maximum use of all qualified instructors is advocated in lieu of a selected few personnel. This provides for the greatest amount of contact with local police establishments.

It is the SAC's responsibility to ensure that developmental opportunities are provided for both incumbent and aspiring field instructors. This would include the participation of employees in FBI Academy courses as well as external training sessions. The SAC should ensure that supervisors support the FPTP by allowing instructors to participate in the program.

(9) Only approved firearms instructors will instruct firearms courses for law enforcement agencies. Any range utilized will be fully inspected by the instructor to ensure that it meets Bureau-specified safety standards. Under no circumstances will an unsafe range be utilized for training.

(10) Instruction on legal matters will be conducted by Bureau-approved legal instructors only.

(11) SAC is responsible for implementing measures to ensure the quality of instruction is maintained. This would include the periodic auditing of instructors by the SAC or his/her designee. Appropriate instructions regarding these periodic audits should be recorded in appropriate field office file. To remain a qualified FBI instructor, an individual must participate in the FPTP. If an individual does not instruct a class during a 12-month period, he/she will no longer be authorized by the sponsoring FBIHQ division to participate in the program. However, individuals may requalify by application to the National Academy Unit, Training Division. (See (13) below.)

(12) All requests for FBIHQ instructional assistance in field training programs should be forwarded to Training Division. Detailed justification is to be included in request. Any division from FBIHQ conducting a field police training school must submit a communication to the Training Division, National Academy Unit, Attention: Field Police Training Program, and to the attention of the Training Coordinator in the field office territory to which they are traveling. (See (15) below.)

(13) The SAC or ASAC should audit presentations made by instructors at the annual Agent's conference, annual support personnel conferences, and similar meetings. Results of audits should be made the subject of an electronic communication (EC) for assistance in preparing performance appraisals. ECs should include pertinent suggestions or constructive criticisms made, and SAC should follow through and ensure any recommendations have been carried out. Subsequent audits should show extent of progress made. At a minimum instructors who normally handle lecture assignments should be audited on an annual basis at least. If not possible to audit a particular instructor during appraisal period, special effort should be made to audit the instructor during the next appraisal period. (See (11) above.)

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(14) Deleted

(15) INSTRUCTOR LOAN PROGRAM - All requests for instructional assistance from another field office must be approved by Training Division. Field offices in need of a particular expertise may request a neighboring office to provide an instructor to conduct such training. Quantico will pay the expenses of travel. The Travel Advance and Payment Unit has been advised that this practice will be utilized on a limited basis and only when offices receive requests that cannot be met due to lack of expertise. The field office requesting the instructor must submit a communication to Training Division, National Academy Unit, Attention: Field Police Training Program, to get a travel request number for entry on travel documents and to authorize such travel. The communication must include: dates of school, title of school, instructor's name, stated approval of both SACs, and an estimate of the costs. A copy of the voucher submitted by the instructor must be sent to the attention of the FFTP manager at Quantico as soon as possible after the travel is completed. (See (12) above.)

(16) MASTER POLICE INSTRUCTOR - At the end of each Fiscal Year nominations should be sent in to the FFTP manager at Quantico for Master Police Instructor. The Master Police Instructor designation is designed to recognize these instructors who have significantly contributed to the FFTP. These contributions include innovative teaching methods, special activities and instructional programs, and materials developed and/or successfully used by the instructor.

ELIGIBILITY REQUIREMENTS

- (a) Must have been an instructor for seven years and participated in the FFTP each of those years.
- (b) Must have taught at least 60 hours a year in the FFTP during the last three years.
- (c) Must have more than one instructor specialty.
- (d) Must have received high evaluations by the Police Training Coordinator on classroom presentations and be recommended by the SAC.
- (e) Must meet the yearly training required of employees.
- (f) Must develop a training program and/or instructional materials for the FFTP.
- (g) Must be assigned to the field office submitting the nomination. The staff at the FBI Academy should not be recognized in this program as they are recognized by their status as instructors at the Academy.
- (h) Must be an active FBI employee at the time of his/her nomination who presently meets or has met the above eligibility requirements.

8-3.3 In-Service Extension Program for Police Instructors

Any Agent who is an instructor may, upon request, be considered for this program. The program is designed to allow Agents who are active instructors and who are otherwise at Quantico attending an in-service class, seminar or assessment session to extend their stay at the FBI Academy for the purpose of conducting research, preparing lesson plans or creating training aids which will be available for use by FBI instructors.

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- (1) The application for participation in this program must contain a detailed description of the proposed project including the number of days needed, the resources to be used at Quantico and the amount of work that has already been performed toward completing the project. In addition, the application must be approved by the Police Training Coordinator and the SAC prior to submission and it must be submitted well in advance of any projected travel to Quantico.
- (2) Training Division will review the plan and, if judged to be feasible and worthwhile, will assign a faculty advisor who will communicate with the instructor for purposes of planning the project.
- (3) After approval by Training Division, the instructor will be allowed to reside at the FBI Academy for a specific number of days during which the Academy's resources will be available to complete the project. Priorities will be given to the most active instructors and to those projects which have the widest potential utilization in the Field Police Training Program.
- (4) Inquiries or applications should be directed to the attention of the National Academy Unit, Training Division.

8-3.4 Publicity and Press Coverage

- (1) Each SAC is encouraged to issue press releases concerning schools in which the FBI participates. These releases should be made jointly with the sponsoring law enforcement official or officials. FBIHQ has no objection to the taking of news or feature pictures before and after closed sessions of police schools, but press representatives should not be present during a police school. The SAC and appropriate officials of the host agency should have a firm understanding in advance of the school that outsiders, including press representatives, will not be admitted to the school. No Bureau employee should try to evict anyone from a classroom in which the school is conducted.
- (2) Forward to FBIHQ, Attention: Training Division, newspaper clippings relating to police schools in which the Bureau participates when there is some unusual feature about the publicity. Newspaper clippings relative to such schools shall be filed in the pertinent school files. These clippings may be destroyed after a period of two years.
- (3) The SAC, or his/her representative, should be present at the graduation ceremonies for police schools in which the FBI participates.

8-3.5 Files on Police Schools

- (1) Individual files on police schools shall be maintained under name of police departments unless school is sponsored by a state or regional academy or criminal justice planning agency in which case files under appropriate title shall be maintained.
- (2) Comprehensive lesson plans for subject matter taught at schools shall be maintained in a field office resource library for accessibility to the instructors' corps. The training technician in each field office should ensure that material in the resource library remains current by periodic trips to outside resources for research purposes.
- (3) Routine correspondence relative to police schools may be destroyed after a period of five years. (See MAOP, Part II, 2-4.5.11.)

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8-3.6 Police School Statistics

The following rules are set forth concerning the compilation of statistics for police training schools:

- (1) Any one group of police officers afforded training in an organized school is to be counted as one school.
- (2) If one group of police officers is given training in an afternoon session, and a second group in an evening session, these groups are to be counted as two schools, even though the same subject matter is presented to both groups. In other words, a school is a group of officers organized and instructed for a designated period.
- (3) A school which begins in any given month is to be considered as a school for that month. If it continues into a second month, it is not counted as a separate school, since to do so would inflate the annual statistics.
- (4) If more than one FBI instructor is utilized during the same period, as in a team teaching situation, the number of hours of training received by the class should be counted rather than the number of hours expended by the FBI personnel conducting the class.
- (5) Count participation in a police school in those instances in which any one or all of the following services are provided:
 - (a) FBI instructors
 - (b) Visual aids or other training aids
 - (c) Consultation in preparing a program in which FBI provided neither instructors nor training aids.
- (6) Teleconference downlinks will be counted in a separate category for reporting purposes. They will not be counted in the final total for schools at the end of the year.
- (7) Schools conducted internationally by certified FPTP instructors may be entered into the Police Training System (PTS) database.

8-4 ADVANCED SPECIALIZED TRAINING FOR CRIMINAL JUSTICE PERSONNEL AT THE FBI ACADEMY (NON-FBI NATIONAL ACADEMY)

8-4.1 Selection Criteria

- (1) Training Division's primary mission is to provide educational and training programs to develop the human resources of FBI personnel. In this regard, the FBI Academy is very selective in the scheduling of Academy-based training for the police community. Although it is recognized that SACs require sufficient latitude to address legitimate division liaison priorities, to include geographic distribution of Academy training slots, every effort should be made to select only those local law enforcement personnel who have the requisite background and demonstrated agency need for an FBI Academy training experience.
- (2) Students for the specialized scientific and forensic support schools are selected by FBIHQ from an application system. Selection is based on the date of receipt of the application; geographic distribution; as well as affording consideration to any documented special needs of the requesting department or forensic laboratory. Selection of students for the Gambling Technology Police

School is coordinated through the Police Training Coordinator in the respective field offices and does not require the submission of an application.

8-4.2 Certification Requirements

In order to ensure that local law enforcement agencies participating in Academy-based training are in compliance with applicable Federal discriminatory laws, FD-682, Certification of Nondiscrimination, is to be executed by all local, state or county law enforcement agencies whose employees are selected to attend training courses at the FBI Academy. Local law enforcement agencies are to be informed that failure to provide requested certification will preclude their department's participation in Academy-based training programs. The certification form (FD-682) is to be maintained in an appropriate field office file.

8-5 ATTENDANCE OF FBI PERSONNEL AT POLICE CONFERENCES (See MAOP, Part 1, 1-3.1 (4).)

SACs may designate or approve attendance of their Agent personnel at meetings and conferences of FBI National Academy Associates, meetings of Chiefs of Police or Sheriff's associations, and conferences sponsored by state or local law enforcement groups when these events are held within the field office territory. It is expected that good judgment will be exercised in making such assignments, and SAC must coordinate travel to meetings and conferences held outside their field office territory with and obtain approval from the SAC of the office covering territory to be visited. Spouses and families may accompany Bureau personnel to these meetings where no increase in costs to the Government would result and there exists no other factors requiring disapproval. In this regard, an SAC may authorize on a case-by-case basis an Agent's spouse to travel in a Bureau automobile while the Agent is en route to and from a function in which the Agent has an official role, provided the Bureau vehicle is used exclusively as basic transportation to and from the FBI sanctioned function. The foremost consideration in granting such a request should be whether such travel would be considered to be in the best interest of the Government. Among the factors to be considered are length of time of the function and distance to be traveled.

8-6 MOVED TO MIOG, PART 2, 30-1.7

8-7 MOVED TO MIOG, PART 2, 30-2.6

8-8 MOVED TO MIOG, PART 2, 30-3.6

8-9 MOVED TO MIOG, PART 2, 30-3.8 (5)

8-9.1 Moved to MIOG, Part 2, 30-3.8 (5)

8-9.2 Moved to MIOG, Part 2, 30-3.5

8-9.3 Moved to MIOG, Part 2, 30-3.8 (5)

8-9.4 Deleted

8-9.5 Deleted

8-9.6 Deleted

8-10 MOVED TO MIOG, PART 2, 30-3.9

8-10.1 Moved to MIOG, Part 2, 30-3.9

8-10.2 Moved to MIOG, Part 2, 30-3.9.1

8-10.3 Moved to MIOG, Part 2, 30-3.9.1

8-10.4 Moved to MIOG, Part 2, 30-3.9.1

8-10.5 Moved to MIOG, Part 2, 30-3.9.1

8-10.6 Moved to MIOG, Part 2, 30-3.9.1

8-11 INTERNATIONAL POLICE TRAINING (IPT)

(1) OLIA has been designated as the FBIHQ coordinating entity for all IPT requests. All IPT requests should be sent to FBIHQ, Attention: IPT Coordinator, OLIA; upon receipt, OLIA will coordinate with the appropriate FBIHQ entity.

(2) All IPT requests should be coordinated, by the requestor, with the respective U.S. Embassy component to ensure that the Embassy interposes no objection to the training. A statement to this effect should be included in the submission of all IPT requests. Additionally, no assurances should be given to the requestor of the training until final approval is obtained from FBIHQ.

8-12 CORE TRAINING

(1) Regardless of the investigative program in which an Agent is working, Agents must possess certain basic and central skills to be successful. Those core areas that transcend investigative programs are interviewing and interrogation, informant/asset development and case management. An Agent is considered to have met the Core Training mandate when he/she has successfully and satisfactorily met the requirements of the Bureau's Probationary Agent Program.

(2) Deleted

8-13 CONTINUING EDUCATION PROGRAM FOR FBI EMPLOYEES

- (1) All FBI employees will participate in the Continuing Education Program. Failure to participate may result in a rating of "Does Not Meet Expectations" in the critical element "Acquiring, Applying, and Sharing Job Knowledge" under the FBI Performance Appraisal System (PAS).
- (2) FBI employees must complete no fewer than 15 hours of developmental training or education annually.
- (3) The Continuing Education Program will coincide with the employee's annual performance appraisal period.
- (4) Continuing Education credits will only apply to the rating period in which the training or education was attended. Credits for courses which span PAS periods will apply at either the beginning or conclusion of the course as previously agreed to by both the supervisor and employee. Continuing Education credits earned in excess of the 15-hour minimum will not be applied to subsequent years.
- (5) Any learning opportunities approved under this program must pertain to the furthering of an employee's abilities. This does not include any training or learning opportunities which are mandated by the FBI for all Special Agents and/or support employees to remain current in job skills, proficiencies, qualifications or legal/employment matters.
- (6) Employees may engage in a variety of traditional and nontraditional learning opportunities to meet Continuing Education requirements.
- (7) Employees will be expected to use the most cost-effective learning opportunities to meet Continuing Education requirements.
- (8) Learning opportunities must be related to job performance or career-enhancement and should be consistent with the goals and objectives of the employee's development plan under the PAS to apply toward Continuing Education credits.
- (9) Supervisory approval is required for all learning opportunities to be applied toward Continuing Education credits.
- (10) Consideration for all training requests will be based upon supervisory approval, employee work demands, and financial resources available at the time of the request.
- (11) Employees are not relieved from completing their Continuing Education requirements should their initial request for education or training be denied. Employees must find other learning alternatives which will allow them to meet their Continuing Education requirements for that rating period.
- (12) Employees may be permitted time during regularly scheduled work hours to engage in independent learning opportunities with prior supervisory approval.
- (13) Supervisors should make every effort to allow employees to participate in training opportunities during regularly scheduled work hours to meet developmental and Continuing Education requirements. Failure to encourage professional development through training may result in a rating of "Does Not Meet Expectations" in the critical element "Supervising" under the PAS.

(14) Employees may engage in learning and developmental opportunities such as an academic program at a local college or university, at the employee's own expense, and receive continuing education credit for the rating period, with supervisory approval.

(15) Supervisors may permit employees to adjust normal work schedules in order to participate in learning and developmental opportunities being paid for by the employee. Employees may not attend self-paid developmental opportunities during scheduled work hours. Supervisors may approve the use of flex hours, alternate work schedules, or annual leave for employees attending self-paid developmental opportunities. Work hours may not be modified to complete "homework" assignments.

(16) The number of continuing education credits to be awarded will be determined by consensus between the employee and supervisor before the employee engages in the learning activity. Where a consensus cannot be reached, the supervisor will establish the number of credits to be awarded.

(17) Employees participating in an organized educational experience, whether face-to-face or through real-time distance learning delivery, will receive one hour of Continuing Education credit for each hour of employee participation.

(18) For self-paced learning opportunities which may include books, periodicals or computer-based learning, the number of continuing education credits will be determined by reasonable agreement between the employee and supervisor. In the case of written publications, the number of credits awarded should not exceed 15 hours per publication.

(19) Employees who complete training which is assigned Continuing Education Units (CEUs) through the International Association for Continuing Education and Training (IACET) will earn credit for Continuing Education hours equal to the assigned CEUs. The IACET standard is one CEU for every 10 contact hours of training (ratio 1:10).

(20) Employees are responsible for maintaining records supporting the completion of learning activities by completing the Continuing Education Certification Form (FD-932).

(21) Supervisors are responsible for verifying that completed learning activities have been documented by the employee on the Continuing Education Certification Form (FD-932).

(22) Each division and field office should maintain a copy of each completed Continuing Education Certification Form (FD-932) in a central repository for recordkeeping purposes.

8-14 REGIONAL TRAINING (See MAOP, Part 2, 6-1 (3).)

Regional Training is defined as a conference or training event that does not take place at the FBI Academy and is Bureau sponsored. Regional Training may take place in Bureau controlled space, or at a non-FBI offsite facility. Employees who complete the training will receive credit for such in their personnel files.

(1) Approval to Hold Regional Training

If a Travel Request (TR) number is to be issued for the attendees of a training event, then the following procedures must be followed to receive approval to hold the event away from the FBI

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Academy, since it is almost always more cost effective to have the event at the FBI Academy when the majority of participants are on travel status.

(a) The TDD has been mandated to schedule, coordinate, track, and report all training conducted by the FBI and all expenses associated with that training. The TDD has the responsibility of ensuring all conferences, meetings, and training events are held in the most cost efficient manner and in compliance with regulations outlined in the Federal Travel Regulations, Section 301-74. The Training Services Unit (TSU), TDD is the designated point of contact to coordinate approval for Regional Training in Bureau Controlled Space and in non-FBI offsite facilities.

(b) The TDD has identified many logistical issues related to the scheduling and coordination of these events. The TDD will locate a facility, FBI or non-FBI, that will offer the lowest overall cost to the government and provide reasonable and necessary accommodations (meals, lodging, convenience of conference location, adequacy of conference space and equipment for attendees). This will also ensure space at the Academy and other FBI space is fully utilized by scheduling as many events as possible in FBI space.

(c) The requesting division shall submit an EC to TDD, (sample on TDD intranet web site), directing it to the attention of TSU; requesting to sponsor an event; and setting a lead to TDD, TSU, to conduct training. The Event Information Form (available on the TDD intranet web site) is to be submitted as an enclosure to the EC. The requirements for the event are to be set forth in the Event Information Form. A copy of the EC is to be designated for file 1A-HQ-C1301962.

(d) Upon completion of this process, TDD will initiate contract approval with the Operational Support Services contract Unit, Finance Division (FD), to ensure proper procurement and/or policies are followed. After FD approval, TSU will coordinate logistical support requirements with the requesting divisions/Field Office Training Officer (i.e., training technician support, material preparation, student registration) with requesting division.

(2) Scheduling and Registering for Regional Training

(a) The Training Officer of the sponsoring field office or FBIHQ division must schedule the Regional Training into the In-Service Training and Registration (ITAR) system. If a suitable class code is not available, a code should be requested from the TSU. The TSU Program Manager for Scheduling and Registration will ensure the class code is entered into the ITAR system.

(b) All employees requesting attendance to the training must complete an FD-878, or their supervisor must complete an FD-879, and the request must be entered into the ITAR system. The code signifying management approval of the employee to attend must also be entered into ITAR, or the request will not appear on the class roster.

(c) TSU will graduate these employees into the Quantico Student Information System (QSIG) where records will be transferred into the Bureau Personnel Management System (BPMS).

8-15 FBI ACADEMY'S TOUR POLICY

The policy and administrative procedures in set out below are to be used by FBIHQ divisions, field offices, and employees for requesting tours of the FBI Academy buildings and overall training

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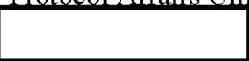
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complex, i.e., Hogan's Alley, the ranges, and the Tactical Emergency Vehicle Operation Center (TEVOC). Tours can be categorized as family and group tours, briefings, and VIP tours.

(1) International Delegations

Requests for tours for embassy/international delegations should be coordinated through the Protocol Affairs Unit, International Operations Section, Office of International Operations, FBIHQ,



(2) National Academy Graduates

A new program pertaining to their visits is being developed and guidance will be forthcoming. Direct any questions pertaining to graduates' tours to Strategic Planning and Policy Unit,(SPPU).

(3) First and foremost, it is the intent of the TDD to continue to provide exemplary service to the Department of Justice community, our federal, state and local law enforcement partners, our Marine Corps neighbors, and the public sector. Therefore, forward all requests for tours and briefings in writing to the Tour Office, Public Affairs Officer at the FBI Academy, Quantico, Virginia. The written request must include:

- (a) A description of the need for the tour and information briefing
- (b) The proposed time and date of the event
- (c) The number of attendees
- (d) The phone number and address of a single point of contact
- (e) Any special requirements associated with the event.

(4) Upon receipt, the Tour Office will check the existing schedule and notify the requester if the tour and/or briefing can be accommodated by the FBI Academy. If the requested tour can be met, the Tour Office will coordinate the scheduling, security, and other administrative details.

(5) The TDD recognizes the high visibility and importance associated with VIP tours and information briefings, but is committed to following proper protocol. Every effort will be made to accommodate the desired tour date and requested participation in briefings and/or instructional events. The TDD recognizes that the FBI Academy's active participation in visitor tours can add value to all parties involved. Further, this joint participation establishes a link to the public sector and epitomizes the FBI Academy worldwide as the nation's premier law enforcement training facility and fosters the American public's trust and confidence in the Federal Bureau of Investigation.

(6) The Tour Office will keep the TDD Assistant Director and Deputy Assistant Director informed about all approved tours. In addition, the Tour Office will notify and coordinate with the DAD of the FBI Academy on all requests for tours and briefings related to instructional components. The SAC will review and approve/decline the use of FBI Academy instructional resources in tours and briefings.

(7) Additionally, it is requested that FBI employees who choose to escort family members around the FBI Academy buildings and training complex contact the Tour Office via e-mail requesting information regarding FBI Academy escort procedures.

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(8) For further information on scheduling tours and/or briefings at the FBI Academy, please contact the Tour Office at

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SECTION 9. DISSEMINATION OF INFORMATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

9-1 RESPONSIBILITY (See MIOG, Part 2, 34-7.)

The proper utilization of information received by the FBI, either through investigation or otherwise, is foremost among our responsibilities. Such information may be of vital interest to another Government agency and/or local law enforcement agencies. Of course, there are certain restrictions which must be observed as to type of information disseminated and recipients to whom disseminated. This section sets forth guidelines to be followed in this respect. In all matters relating to dissemination, good judgment and common sense should prevail. It is FBI policy to disseminate vital and important information to which other agencies, including local law enforcement, are justifiably entitled. There must be no indiscriminate or arbitrary dissemination. Cases of doubt should be brought to the attention of a supervisory official.

9-1.1 Briefing Material Prepared for Presentation Outside the FBI

Briefing material prepared for presentation outside the FBI or testimony by Bureau officials should include the name and initials of the senior Bureau official approving the material and the date it was prepared. Additionally, divisions responsible for the preparation of the material are required to maintain records reflecting the source of information used in the preparation of the briefing material and the names of the individuals who drafted the material.

9-2 BASIS FOR DISSEMINATION

FBIHQ serves as clearinghouse for information affecting the internal security of the United States.

9-2.1 Internal Security Matters

Presidential directives have specifically requested all law enforcement officers to report information regarding espionage, sabotage, subversive activities and related matters to the FBI. These directives have charged the FBI with responsibility of correlating material and referring matters under jurisdiction of the other federal agencies to the appropriate agencies. (For further details, see Manual of Investigative Operations and Guidelines and National Foreign Intelligence Program Manual (NFIPM).)

9-2.2 Delimitations Agreement Between the FBI and Armed Forces Intelligence Agencies

Delimitations Agreement between the FBI and armed forces intelligence agencies provides for exchange of information of mutual interest. The agreement provides that where there is doubt as to whether or not one of subscribing agencies is interested in information collected, it should be resolved in favor of transmitting the information. (For further details, see National Foreign Intelligence Program Manual (NFIPM).)

9-2.3 National Security Act - 1947

National Security Act of 1947 provides that upon written request from Director of Central Intelligence Agency (CIA), the FBI shall make available information for correlation, evaluation and dissemination essential to national security.

9-2.4 Executive Order 10450

Establishes procedures for checking FBI records for names of applicants and incumbents of departments or agencies of the Executive Branch. It also sets forth responsibilities for dissemination of loyalty and suitability information to other Government agencies.

9-2.5 Departmental Order 3464, Supplement No. 4 (Revised)

Supplement No. 4 (Revised) of Departmental Order 3464 (now superseded) signed by Attorney General on January 13, 1953, designated all official records and information of the FBI as confidential. However, it has been long-standing policy concurred in by the various Attorneys General, for the FBI to furnish pertinent information coming to our attention during conduct of investigations to other interested agencies of the Executive Branch.

9-2.6 Memorandum of Understanding Between Departments of Justice and Defense

Memorandum of Understanding entered into in 1984, by the Department of Justice and Defense, requires the FBI to make results of certain investigations available to the military authorities.

9-2.7 Agreement Between the FBI and Secret Service Concerning Protective Responsibilities

Other agreements such as the Agreement Between the FBI and Secret Service concerning protective responsibilities require that we disseminate certain information.

9-2.8 Identification Records (See MAOP, Part II, 9-3.1.1.)

Authority for the FBI to perform identification functions is contained in Title 28, USC, Section 534. (See MIOG, Part II, 14-4, "DISSEMINATION GUIDELINES FOR FBI CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) DIVISION RECORDS.")

9-3 INFORMATION TO BE DISSEMINATED (See MIOG, Part I, 62-3.3(6), 190-3.2; Part II, 34-7.)

(1) In the majority of instances, information received by the FBI will be of interest and should be furnished to one or more agencies of the Executive Branch of government. Care should be taken, however, not to disseminate information to any field branch of another government agency where there is a known lack of security. FBIHQ must be promptly advised should any such situation arise.

(2) Dissemination is ordinarily restricted to federal agencies in the Executive Branch. However, there are situations within which dissemination to federal judicial and legislative agencies, as well as to state and local agencies, is appropriate, with due regard for Privacy Act guidelines. Provided that such dissemination does not jeopardize any pending FBI investigations or informants and does not violate the Privacy Act, these agencies should be furnished pertinent information.

Dissemination of information to the federal judicial and legislative branches should be cleared with

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FBIHQ. FBIHQ elements and Field Offices will ensure timely dissemination of information to enhance public safety and national security in conformance with Attorney General Memorandum dated September 21, 2001, "Disseminating Information to Enhance Public Safety and National Security." Dissemination of information in order to prevent or disrupt a credible threat to public safety or national security should not be delayed merely to maintain the viability of a criminal investigation or avoid compromising a source of information. (AG Memo dated 9/21/2001, "Disseminating Information to Enhance Public Safety and National Security.")

(3) Dissemination of FBI information to a legitimate agency of a foreign government may be made where the FBI determines that the information is relevant to that agency's responsibilities, dissemination serves the best interests of the U.S. government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected and is not prohibited by law.

9-3.1 Dissemination to State and Local Criminal Justice and Noncriminal Justice Agencies

(1) Dissemination to any state or local government agency should be restricted as a general practice to those agencies directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation, and parole and the judiciary, and only where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement employee, or concerning a victim's compensation under a state statute. Disclosure to a state or local government agency not directly engaged in the criminal justice process, or for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances. Such determinations are made at FBIHQ.

(2) The procedures discussed in 9-3.1 through 9-3.1.5 do not apply to the day-to-day exchange of information between the FBI and local law enforcement agencies which is of joint criminal investigative interest to both agencies. The values and principles discussed here, however, should be taken into consideration during such informal exchanges of information (no dissemination of irrelevant or inaccurate information should ever take place).

(3) The procedures discussed in 9-3.1 through 9-3.1.5 are to be applied in a manner consistent with Attorney General Memorandum dated September 21, 2001, "Disseminating Information to Enhance Public Safety and National Security" as referenced in 9.3 (2). (AG Memo dated 9/21/2001, "Disseminating Information to Enhance Public Safety and National Security.")

9-3.1.1 Dissemination to State and Local Criminal Justice Agencies (See MAOP, Part II, 9-3.1(2); MIOG, Part I, 190-3.2.)

When a state or local criminal justice agency desires information from FBIHQ files, a written communication on the agency's letterhead and signed by an appropriate official of the agency must be submitted containing the following:

- (1) The nature and scope of the specific information desired.
- (2) The law enforcement function to be served by the requested information.

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(3) Sufficient identifying information to ensure a proper search of FBIHQ indices and an intelligent review of files (Name, Date of Birth, Place of Birth, Social Security Account Number, Residence, Employment, etc.). (See MAOP, Part II, 9-3.1.2(4).)

The above procedure applies to requests for information from FBIHQ files and does not affect established procedures in the field for responding to formal or informal requests, as noted in 9-3.1(2), for information from the files of the field office. Established procedures as in 9-2.8 and MIOG, Part II, 14-4, for obtaining information or assistance from the Criminal Justice Information Services Division at FBIHQ also remain unaffected.

9-3.1.2 Dissemination to State and Local Noncriminal Justice Agencies (See MAOP, Part II, 9-3.1(2) and 9-3.1.4.)

Requests for information submitted by a noncriminal justice agency are considered at FBIHQ on an individual basis in all cases, even if only field office records are sought. This requires a showing of exceptional circumstances under subsection (b)(3) of the Privacy Act of 1974, Title 5, USC, Section 552a, and 58 Federal Register 51,870 (Oct. 5 1993). To meet that standard, requests must be in writing on agency letterhead signed by an appropriate official of the agency. They must include:

- (1) The nature and scope of the specific information desired.
- (2) The exceptional circumstances on which the request is based, i.e., the circumstances which indicate that failure to disclose could reasonably be expected to permit an individual or organization to engage in probable criminal activity or activity which could adversely affect the public welfare.
- (3) The agency's functions which will be served by the requested information.
- (4) Sufficient identifying data as outlined under 9- 3.1.1(3).

These requests should be directed to FBIHQ, Attn: Administrative Law Unit, Office of the General Counsel (OGC).

9-3.1.3 FBIHQ Processing Guidelines (See MAOP, Part II, 9-3.1(2).)

(1) There can be no dissemination to a state or local agency of classified or otherwise privileged information, such as informants' identities. Federal grand jury information can be disseminated to a state or local agency only pursuant to Fed. R. Crim. P. 6(e) (see MIOG, Part II, 2-9.5 (5)). Information disseminated will be reviewed to ensure it is accurate, complete, timely, and relevant insofar as it is reasonably possible.

(2) Telephone requests cannot be honored.

(3) Requests which have been forwarded to FBIHQ will be returned to the requesting agency through the field office which submitted it, or the field office which covers the territory.

(4) Copies of the response to requests submitted directly by the agency to FBIHQ will be designated for the field office which covers the territory, together with a copy of the agency's request.

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9-3.1.4 Field Office Responsibility (See MAOP, Part II, 9-3.1(2).)

When requests are submitted to field office, the following applies:

- (1) Requests meeting the above requirements in 9-3.1.2 should be acknowledged and the agency advised their request has been forwarded to FBIHQ.
- (2) When forwarding requests from state and local agencies seeking FBIHQ records, forward any field office information pertinent to the requests to FBIHQ in a form suitable for dissemination (for example, letterhead memorandum) so that it may be reviewed at the same time FBIHQ records are searched and reviewed.
- (3) If there is no information in the field office files, this should be so stated in the cover communication forwarding the request. A single dissemination will be made by FBIHQ when there are both field and FBIHQ records involved. A control file to record dissemination of information should be maintained. Copies of dissemination by the field office, or by FBIHQ through the field office, should be kept in the file. Since the control file is for dissemination, it is not necessary to record "no record" responses. When a main file exists in the field office for the subject of the inquiry, copies of the response should also be filed in that main file.
- (4) Questions may be addressed to Administrative Law Unit, Office of the General Counsel, or to the Field Services Unit, Information Resources Division.

9-3.1.5 Privacy Act Considerations

The Privacy Act of 1974 governs collecting, maintaining, and disseminating information about an individual. It applies when the subject of the request is an individual or when the response would include identifying information about the individual. The term "individual" is defined in the Privacy Act as "a citizen of the United States or an alien lawfully admitted for permanent residence." Every dissemination of information by the FBI to federal, state and local agencies must be in accordance with the statute. Most requests from state and local criminal justice agencies for law enforcement purposes are handled under subsection (b)(3) and, to a lesser extent, under subsection (b)(7). Requests from state and local agencies not part of the criminal justice system, or from state and local criminal justice agencies but not for law enforcement purposes, can be handled only under subsection (b)(3) or (b)(7), by FBIHQ, and only under exceptional circumstances as described above.

9-3.2 Information Totally Within Jurisdiction of Other Federal Agencies

This information should be forwarded promptly to nearest office of interested agency. It should be made clear to the other agency whether the information has been verified. If information will likely result in publicity or if FBIHQ may be otherwise interested, FBIHQ should be promptly advised.

9-3.3 Information Within FBI Jurisdiction and of Interest to Another Federal Agency

Any matter including information of a criminal nature should be furnished to other federal agencies in the Executive Branch as appropriate. Some classifications require special dissemination. Consult the appropriate section of the Manual of Investigative Operations and Guidelines and the National Foreign Intelligence Program Manual (NFIPM) for details.

9-3.3.1 Subject of Information Employed in Vital Facility

(1) Term "vital facility" includes facilities designated as key facilities by Secretary of Defense, those having classified contracts with agencies of Federal Government and those which are or may become engaged in manufacture of materials vital to defense effort.

(2) When information described in Executive Order 10450, Section 8(a)(1) is received concerning an individual employed in, or having access to, a vital facility from a source other than the interested intelligence agency, a summary of the information, together with any relevant information in file concerning the individual, should be furnished immediately by letter to the interested agency, as well as to Defense Industrial Security Clearance Office (DISCO), Defense Logistics Agency, Columbus, Ohio 43215, Attention: Chief, Adjudication Division, advising whether or not an investigation is being conducted by FBI, and if so, that investigative reports will be furnished. In making dissemination to other interested intelligence agencies, note dissemination was made to DISCO. Instructions regarding dissemination to DISCO do not encompass facilities of interest only to Department of Energy or Nuclear Regulatory Commission.

(3) The above policy also applies to information described in Executive Order 10450, Section 8(a)(1) through 8(a)(7) concerning persons who may not be currently employed at such a facility, but who are known to hold industrial security clearances. These communications should clearly point out that the information has been verified through FBI investigation.

9-3.3.2 Dissemination Requirements Concerning Certain Federal Agencies

(1) Federal Aviation Administration - Federal Aviation Administration issues certificates to airmen who are defined as persons in command or acting as pilot, aviation mechanic, flight engineers, flight navigators, as well as individuals directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances; and any individual serving in capacity of aircraft dispatcher or air traffic control tower operator. Any data developed concerning persons who are known or believed to be airmen, regarding illegal activities of such individuals which would indicate that they might become engaged in clandestine acts using civil aircraft, should be furnished to FBIHQ by report or letterhead memorandum, together with a cover communication recommending that data be furnished to the Federal Aviation Administration. Copy will likewise be made available to Internal Security Section of Department. Clandestine acts referred to above include use of civil aircraft to introduce hostile weapons or components thereof into U. S., as well as possible use of civil aircraft to deliver weapons in support of military attack upon this country. Dissemination to Federal Aviation Administration will be made only at FBIHQ.

(2) Immigration and Naturalization Service - Information concerning aliens and naturalized citizens which might have a bearing on deportation or denaturalization of such individuals, should be forwarded to local office of Immigration and Naturalization Service.

(3) Internal Revenue Service - Supreme Court has held that money obtained by embezzlement must be reported by the embezzler in his/her Federal income tax return for year in which embezzlement took place. When subject is convicted in an FBI case involving embezzlement of funds, furnish necessary information, including the name and location of embezzler and amount of embezzlement, to nearest Director of Internal Revenue Service, wherever this can be done without jeopardizing pending FBI investigations or informants. In interviewing subjects of criminal investigation where

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the possibility exists the subject may have evaded payment of income taxes, consideration should be given to inquiring of the subject as to whether he/she filed an income tax return for the pertinent period and where it was filed.

(4) Food and Drug Administration - Food and Drug Administration enforces the Food, Drug and Cosmetic Act, Tea Act, Import Milk Act, Caustic Poison Act, and Filled Milk Act. Its activities are directed mainly toward promoting purity, standard potency and truthful and informative labeling of the essential commodities covered by the provisions of these five acts, as well as not controlled depressant and stimulant drugs. Complaints of this nature received at FBIHQ are referred to the Commissioner of Food and Drug Administration, Washington, D.C. Similar complaints received in the field should be referred to the nearest field agency of the Food and Drug Administration.

(5) Bureau of Alcohol, Tobacco and Firearms - The Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury is charged with the administration of the laws relating to the manufacture, warehousing and distribution of spirituous liquors, wines, fermented liquor and industrial alcohol. Bootlegging activities and other violations of the alcohol tax laws which are reported to FBIHQ are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. Similar complaints received by FBI field offices should be reported to the nearest field representative of the Bureau of Alcohol, Tobacco and Firearms.

(6) U.S. Office of Personnel Management (Formerly the U.S. Civil Service Commission) - Requests for information concerning positions covered by the Office of Personnel Management and complaints pertaining to matters within the jurisdiction of that agency which are received at FBIHQ are referred directly to the U.S. Office of Personnel Management, Washington, D.C. Similar information reported to FBI field offices should be forwarded to the nearest regional office of the U.S. Office of Personnel Management.

(7) Chief Postal Inspector - Inquiries concerning the postal service and complaints pertaining to the theft of mail or postal matters are forwarded by FBIHQ to the Chief Postal Inspector, Washington, D.C. Similar information reported to FBI field offices should be transmitted to the nearest Postal Inspector in Charge, whose address can be obtained from any Postmaster.

(8) U.S. Secret Service - U.S. Secret Service, which is an entity of the Treasury Department, is empowered to suppress the counterfeiting of U.S. coins, notes and other obligations and securities of the Government. Violations of this nature which are reported to FBIHQ are referred to the Director, U.S. Secret Service, Department of the Treasury, Washington, D.C. Information of a similar nature received by FBI field offices should be reported to the nearest office of the U.S. Secret Service. (See 9-7.1 (2) for dissemination regarding threats against the President.)

(9) U.S. Customs Service - U.S. Customs Service, under the Commissioner, administers the powers and duties vested in the Secretary of the Treasury pertaining to the importation and entry of merchandise into, and the exportation of merchandise from the United States and the regulation of certain marine activities. The principal function of the U.S. Customs Service is the assessment and collection of import duties and incident to this, the prevention of smuggling. Complaints received on such matters by FBI field offices should be referred to the nearest district office of the U.S. Customs Service. Those received at FBIHQ are referred to the Commissioner of Customs, Washington, D.C.

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(10) Department of Labor - Department of Labor investigates some violations under Labor Management Reporting and Disclosure Act of 1959. Information received concerning such violations should be referred immediately to the USA so he/she may refer same to Department of Labor. Submit closing report when this has been done.

(11) Other Agencies - Information on civil disorders, demonstrations, impending disruptive actions and activities of terrorist and terrorist-oriented organizations that may affect Postal operations or Postal facilities, particularly those having Federal courtrooms, is to be furnished Postal Inspection Service representative since they protect Federal courtrooms housed in Postal buildings. Similarly, be alert to furnish such information to appropriate representatives of General Services Administration (or other Government agencies as indicated) whenever Federal facilities under its jurisdiction are involved.

9-3.3.3 Security Information

(1) Specific instructions regarding dissemination of security information as it relates to individuals are contained in Manual of Investigative Operations and Guidelines and National Foreign Intelligence Program Manual (NFIPM).

(2) The Atomic Energy Act of 1954 includes criminal violations within the jurisdiction of the FBI. Frequently referred for investigation are matters of lax security. All facts regarding lax security and negligence should be referred to FBIHQ in LHM suitable for dissemination to the interested agency.

9-3.3.4 Information From Sources of Questionable or Unknown Reliability

(1) Information from sources of unknown reliability and questionable reliability should, where pertinent, be disseminated to other interested agencies. With regard to data supplied by sources known to be unreliable, good judgment should be used and each instance must be assessed on individual basis.

(2) However, in each instance, every reasonable effort should be made to provide additional descriptive information regarding the source which will enable recipient agencies to intelligently evaluate the information.

9-3.4 Information Furnished to Local Law Enforcement Agencies

9-3.4.1 Subject in Custody

When a subject is in custody and to do so would not interfere with an FBI case, information should be furnished to local law enforcement agencies to enable them to:

- (1) Clear its records of offenses reported
- (2) Recover stolen property
- (3) Identify a violator of a local criminal statute.

The information should be furnished with regard for its impact on the FBI case.

9-3.4.2 Interested Agency Outside a Field Office Territory

If the interested agency is in another field office's territory, a letter is to be sent to that office containing all information available, circumstances under which information was obtained, nature and location of any evidence, Federal prosecutive steps and officials involved, and the place where the subject is detained. Also include available descriptive data. When oral dissemination to an outside agency is necessary, see 9-3.5.3 of this section.

9-3.4.3 Interested Agency Within a Field Office's Territory

If the interested agency is in the field office's territory, a letter containing the information set out in 9-3.4.2 above, is to be sent or delivered to the head of the local agency. When oral dissemination to an outside agency is necessary, see 9-3.5.3 of this section.

9-3.4.4 Reporting Information Furnished

The fact that this action has been taken is to be set out in the investigative report. The file must also show such notification.

9-3.5 Method of Dissemination To Outside Agencies

Information is disseminated by reports, letters and/or letterhead memorandum, teletypes, research papers, or, in some cases, orally.

9-3.5.1 Reports To Outside Agencies

(1) All reports must be prepared in accordance with prescribed rules of report writing.

(2) Prior to the dissemination of a report, the following must be observed:

(a) Information and reports relating to national security being transmitted to agencies outside the FBI should, where justified, be properly classified and marked in accordance with the provisions of current Executive orders and regulations relating to Sensitive Compartmented Information when appropriate.

(b) All FBI reports distributed to outside agencies should include the following statement on the first page:

"This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency."

(c) When reports are disseminated by FBIHQ, appropriate ink notations showing the identity of recipient of report, date request received and from whom, date disseminated, how forwarded and initials of person responsible for dissemination should be placed in spaces provided on bottom of original FD-263 in file. In field file, such notations should be made in same location on cover page (FD-263) of top file copy. Dissemination notations on old-type reports are to be placed on back of original page at FBIHQ and on back of top file copy in field office when there is insufficient room for these notations at bottom of page; a notation should be placed at bottom of page to see reverse side for dissemination information.

9-3.5.2 Letters and/or Letterhead Memoranda (LHMs) to Outside Agencies

(1) When it is more practical, letters and/or LHMs may be used to disseminate information. This may apply where lengthy report contains some particular item of interest to another agency. Rather than disseminate entire report, it may be more practical to transmit pertinent data by letter and/or LHM.

(2) Letter or LHM furnished another agency should include statement which contains, in substance, terminology appearing in property stamp for use on reports. Property statement should be placed at the bottom of the first page on all copies of the letter or LHM. This rule, of course, will not pertain to letters of purely administrative nature; letters simply referring complaints to outside agencies for action, or to letters directed to outside agencies merely to confirm convictions, etc., which information is public source material. (See MAOP, Part 2, 10-4.9.)

(3) When using LHMs to transmit classified or otherwise sensitive information to a foreign intelligence service, the property stamp shall be placed on the bottom of the first page on all copies of the LHM. Refer to MIOG, Part 2, Section 26 for instructions on marking the LHM and classified information. (See Correspondence Guide-FBIHQ, Sections 1 and 12-4.)

(4) Copies of LHMs prepared by Bureau's Legal Attaches may be furnished to interested outside agencies where appropriate. Of course, accompanying cover document is not disseminated. (See MAOP, Part 2, 10-4.9(2).)

9-3.5.3 Oral Dissemination to Outside Agencies (See also Legal Attache Manual, 6-8.)

(1) Oral dissemination of information is the least accurate method and provides the greatest danger of mistake and misuse. Nevertheless, because of the nature of our investigative responsibilities, we must frequently disseminate orally. (See MAOP, Part II, 9-3.4.2, 9-3.4.3.)

(2) Since the Privacy Act became effective we have had some additional legislative responsibilities to "account" for our dissemination; i.e., to furnish an accounting of what information was disseminated and to whom. This legislation also imposed general standards of accuracy, completeness, timeliness and relevancy on agencies maintaining records. (See MIOG, Part I, 190-3.3.)

(3) In addition to the uses our dissemination has in the criminal and security fields, information disseminated by the FBI often has an influence upon whether a person is able to obtain government employment, or whether they receive a clearance. Therefore, accuracy in dissemination and accuracy in recording what has been disseminated is essential.

(4) When oral dissemination of information is made:

(a) Rules of dissemination described herein should be adhered to.

(b) The use of Form FD-159 is optional, assuming a complete, accurate, handwritten notation satisfying the requirement of the Privacy Act is made on the file copy of the substantive file. The use of a control file to centrally store copies of Form FD-159 is also optional. If Form FD-159 is used, it must show as accurately as possible the source and nature of information which has been disseminated orally. When possible, indicate on the FD-159 the file, serial, page, and paragraph number from which information was disseminated. (See MAOP, Part II, 9-4.2.3.)

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(c) If FBI originates dissemination to another federal agency, it should be confirmed in writing.

(5) Recording outside contacts -

(a) Attorney General Order 532-73 requires that each Department employee record in memorandum form each oral communication (in person or by telephone) concerning a case or other matter pending before the Department with a noninvolved party indicating an interest in the case or matter.

(b) A "noninvolved party" means one with whom the employee would not have official contact in the handling of the case or other matter. The purpose of the requirement is to identify persons, including employees, seeking or offering information or exerting influence and whose contacts for these purposes may be improper.

(c) A contact by a representative of the news media acting in official capacity is not to be regarded as a contact by a noninvolved party. A contact by a media representative in his/her personal capacity, as where he/she inquires concerning status of investigation of a personal friend, is to be considered as a contact by a noninvolved party.

(d) A copy of each contact memorandum captioned "Recording Outside Contacts," followed by the title of the case or a brief description of the matter which was the subject of the contact, is to be maintained in the file.

(6) All such memoranda are to contain: Identity of each employee concerned, identity of the noninvolved party, the means by which the contact was made, title of the case or description of the information sought by or offered to the noninvolved party, and a complete recounting of the contact.

9-3.5.4 Accounting of Dissemination

Pursuant to Title 5, USC, Section 552a (c), the FBI must maintain an accounting of each dissemination as prescribed in MIOG, Part I, 190-3.3, "Accounting of Disclosures."

9-3.5.5 Routing Slip - Form FD-342

(1) To transmit letterhead memoranda to any agency or individual qualified to receive them, Form FD-342 may be used. File copy of letterhead memoranda should show dissemination was made.

(2) When anonymous letters are received alleging violations over which FBI has no jurisdiction but which are totally of concern to another agency, Form FD-342 may be used to transmit these letters to appropriate agency. It is not necessary to retain copy of letter or FD-342. When contents of letter warrant, more expeditious means of transmittal should be used.

(3) To transmit copy of disseminated teletype - Form FD-342 is used by originating offices to transmit to local offices of agencies copy of teletype which has been disseminated at FBIHQ and returned to field for dissemination purposes. Copy of teletype retained in file should clearly show local dissemination.

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9-3.5.6 Teletypes

Current intelligence data concerning civil disorders and potential violence or threats against the President and foreign intelligence matters which are furnished to FBIHQ by teletype can be disseminated to other Government officials and agencies.

- (1) Teletypes disseminated at FBIHQ should have noted on original of teletype, where copies sent, by whom and the date.
- (2) If dissemination is to be made in field to local branches of other agencies, originating office should include code word "SUCOP," abbreviation for "Submit Copy," at end of teletype submitted to FBIHQ. FBIHQ will then transmit to originating office by teletype copy of disseminated teletype. Upon receipt, originating office may reproduce it in sufficient quantity to handle required local dissemination. One copy of disseminated teletype should be filed in case file, with notation showing local dissemination made. Provisions concerning use of code word "SUCOP" are not applicable in domestic security/terrorism matters. In these categories, statement should be included in teletype sent to FBIHQ as to whether letterhead memorandum is being submitted. Where no letterhead memorandum is being submitted, copies of properly excised version of teletype may be used for local dissemination.
- (3) Where circumstances require immediate local dissemination, the information should be disseminated orally, not waiting for copy of dissemination teletype from FBIHQ. When received, such copy may be used for written confirmation.
- (4) When teletype dissemination procedure is used, submission of letterhead memorandum solely for confirmation can be eliminated in most cases. Where teletype summarizes lengthy data, complete information must be prepared for record in field office files. Where more complete data is required by FBIHQ and interested agencies but is not necessary to satisfy need for immediate dissemination, teletype should be followed by detailed letterhead memorandum. In such instances, administrative portion of teletype should indicate that letterhead memorandum follows.

9-3.5.7 Dissemination of Xeroxed Teletypes

- (1) Where appropriate, FBIHQ supervisor should ensure that Xerox copies of incoming teletype bear proper classification and declassification markings prior to dissemination. Bureau property stamp should also be placed on copies being disseminated. When copy of teletype is disseminated outside FBI, at FBIHQ appropriate notation should be placed in lower left corner of original indicating (number) CC to (agency), (date), followed by FBIHQ supervisor's initials. These instructions apply only when no material changes are made prior to dissemination outside Bureau. Xerox copy is to be stapled to original incoming teletype when routed to file so that our records will indicate exact text of material disseminated.
- (2) In some instances, FBIHQ may decide that material submitted by field for teletype dissemination does not warrant teletype handling. In such cases, incoming field teletype will be xeroxed after administrative data has been excised and copies will be disseminated by FBIHQ to appropriate agencies and furnished to field office for any local dissemination. This will eliminate need for follow-up letterhead memorandum by field in most cases. Field should carefully prepare teletypes containing information which may be of interest to other agencies so that all

administrative data, including references, are placed under administrative heading at the end of teletype.

9-4 DISSEMINATION OF INFORMATION IN ANSWER TO SPECIFIC REQUESTS

9-4.1 Method of Handling Requests

FBIHQ handles thousands of requests for information from other Federal agencies each day. These requests are normally submitted on forms which contain identifying data. These forms are subsequently returned to submitting agency, together with disseminative information available, or if there is no record in FBIHQ files, they are returned stamped to that effect.

9-4.2 Persons Authorized to Request Information

9-4.2.1 Accredited Representatives

Information in FBIHQ files is generally furnished only to accredited representatives of executive agencies of Federal Government. Requesting agency must have legitimate interest in desired information.

9-4.2.2 Exception Regarding Name Check Requests

There are certain exceptions to foregoing general rule with regard to name check requests, as set forth below:

(1) Local law enforcement agencies - Information of public source nature relating to subversive matters may be furnished in a blind memorandum to proper representatives of local and state law enforcement agencies upon receipt of specific request for information.

(2) Name checks for Federal judges - At request of Federal judge, field office is authorized to search names of persons being considered for court positions through field office indices and to furnish pertinent information to Federal judge. Care must be taken to protect Bureau's sources, informants and techniques. Field offices may not accept from Federal judges requests for investigation of personnel under their jurisdiction.

9-4.2.3 Requests From U.S. Probation Officers

(1) If a probation officer (preparing report of presentence investigation) requests a field office to furnish information not readily available in the office of a USA, such requests may be complied with, provided this does not disclose confidential information or sources. Bear in mind that the court in its presentence function is interested in knowing mitigating or aggravating circumstances of the crime and the background of the defendant. Also note that the court may disclose to the defendant or his/her counsel all or part of the material contained in the report of a presentence investigation. Reports may be made available to the probation officer since routine use allows for the dissemination of information to federal agencies, not limited only to the Executive Branch.

(2) When information is furnished in written form to the probation officer, a copy of the communication should be placed in the file. When information is being furnished orally, care must

be taken, as noted in Section 9-3.5.3, above, to precisely record the file, serial, page, and paragraph number from which the information was disseminated.

9-4.2.4 FBIHQ Coordination of Congressional Liaison

(1) The Office of Public and Congressional Affairs (OPCA) is the only organizational section within the FBI that is authorized to deal directly with congressional entities, Members of Congress, or their staff, with only two exceptions: the Finance Division has concurrent liaison responsibility with OPCA for the House and Senate Appropriations Subcommittees on Commerce, Justice, State, and Judiciary, and second, personal contact by SACs with local delegations.

(2) Liaison with the General Accounting Office (GAO) is handled by OPCA. The initial point of contact for any GAO audit, interview, or general contact within the FBI is the OPCA, FBIHQ. No direct contact should be undertaken with GAO by field office or Legat personnel without prior coordination and approval of FBIHQ. Interviews of FBI personnel, disclosure of information, or dissemination of FBI documentation should not be provided to any audit unit of GAO until GAO has given notification to FBIHQ and received approval to make the contacts.

(3) Additionally, FBIHQ will deny GAO access to any information that will identify pending cases, nor will FBIHQ provide GAO access to Inspection Division papers. Consistent with Department of Justice (DOJ) policy, interviews with nonmanagement personnel will also be denied. For management, policy and proper coordination of GAO audits, field contacts by the GAO should be with FBI senior management or supervisory personnel only.

9-4.2.5 Response to Congressional Requests

(1) When receiving a request for information from any congressional source, the field office must immediately prepare and mail an interim response to the inquirer prior to forwarding the request to FBIHQ. This interim response should only acknowledge receipt of the inquiry and state that the inquiry is being forwarded to FBIHQ for response. A copy of the interim response should be attached to the request when forwarded to FBIHQ and information of sufficient detail must be provided by the field office so that an appropriate response to the inquiry may be prepared. The field office also should place the inquiry on record and index for reference purposes. Inquiries forwarded to FBIHQ should be directed to the Office of Public and Congressional Affairs (OPCA).

(2) In situations where the inquiry can be handled by the field office, no interim response is required, provided an answer can be forwarded to the congressional source within three days. A copy of the inquiry and your final response should expeditiously be sent to FBIHQ. Any questions regarding a congressional inquiry should be directed to the OPCA.

9-4.2.6 Investigative Activity in Congressional Offices

You may take investigative action upon information received from congressional offices, as you would with respect to information received from any outside source. Also, you may follow investigative leads into congressional offices; although, in some cases, good judgment may dictate notifying FBIHQ and the Congressional Affairs Office either before or after such investigative contacts. The only specific limitations in this area are where you seek to interview a Member or a staff person in connection with a foreign counterintelligence matter, you seek to establish an

informant relationship with a staff person, or the Congressional office is located on Capitol Hill. In those cases, prior FBIHQ, and more specifically, the Congressional Affairs Office's approval must be obtained.

9-4.2.7 Distributions of Memoranda and Copies of Responses

(1) Copies of correspondence dealing with proposed or pending measures in Congress, Members of Congress, congressional staff personnel, congressional committees, or any congressional activity should be designated for the Office of Public and Congressional Affairs (OPCA). Copies of any pertinent incoming communications should be attached. (See Correspondence Guide - FBIHQ, Sections 8-4(11) and 9-4(11).)

(2) Memoranda recommending action by OPCA and outgoing communications concerning our dealings with Congress or affecting legislation in which FBI has interest, should be routed through OPCA.

9-4.2.8 Deleted

9-4.2.9 Dissemination to the White House Complex (WHC) (See MIOG, Part 1, 77-12, 161-10; Part 2, 17-8.)

(1) The FBI receives requests from the WHC for name checks and background investigations on persons being considered for presidential appointments with U.S. Senate confirmation, for presidential awards, for WHC employment/access, or for detailee, contractor, and volunteer access to the WHC. The WHC is comprised of The White House and the organizations that make up the Executive Office of the President. The Information Resources Division's Executive Agencies Dissemination Subunit (EADS) is responsible for processing WHC name-check requests, and the Administrative Services Division's Special Inquiry and General Background Investigations Unit (SIGBIU) is responsible for processing WHC background investigation (and related) requests. These requests may not be honored unless accompanied by one of the following:

(a) Consent of the subject executed within 30 days of the request, or

(b) A letter from the Counsel to the President through the Deputy Attorney General (DAG) to the FBI's General Counsel setting forth a written explanation why such consent cannot be obtained or should not be sought in the circumstances.

(2) The Department of Justice (DOJ) has established procedures governing communications with the White House about pending DOJ investigations in criminal and civil cases. Initial communications between the White House and DOJ (including the FBI) regarding such matters should involve only the White House Counsel or Deputy Counsel (or the President or Vice-President) and the Attorney General or DAG. If continuing contact is required on a particular matter, the White House Counsel's Office and the senior DOJ official with whom it is dealing will establish and monitor that contact. DOJ has also established procedures governing communications with the White House on pending foreign counterintelligence investigations (see the Attorney General's "Guidelines for FBI Dissemination to the White House of Foreign Intelligence and Counterintelligence Information," annex to the Attorney General's "Guidelines for FBI Intelligence Collection and Foreign Counterintelligence Investigations" in the NFIP Manual, Appendix, 1-1.1).

(3) All FBI divisions and field offices should be aware that any request for a name check or background investigation on persons being considered for presidential appointments with U.S. Senate confirmation, for presidential awards, for WHC employment/access, or for detailee, contractor, and volunteer access to the WHC must first be processed through FBIHQ before any investigation is initiated in the field. Address any questions concerning this policy to the Administrative Law Unit of the Office of the General Counsel at FBIHQ.

9-4.3 Proper Request For Information

9-4.3.1 Identifying Data

No request for information from FBIHQ files should be accepted under ordinary circumstances unless accompanied by adequate identifying data to enable an intelligent handling of request. This includes such items as full name of individual or organization on whom check is to be made; other names used; sex; marital status; birth data; reason for request; any identifying numbers (armed forces serial number, passport number, social security numbers, etc.); spouse's full name and birth data; dates and places of residence and employment during past 15 years.

9-4.3.2 Requests Received at Field Level

No request for information should be accepted on applicants for positions with a requesting Federal agency at field office level. Security checks are made on all such individuals at FBIHQ and review of field office files is unnecessary duplication of work. Unless special reason exists, no requests should be forwarded to FBIHQ by field office in behalf of another agency. Local office of inquiring agency should not submit its requests directly to FBIHQ, but through its Washington headquarters.

9-4.4 What Information May Be Disseminated

When accepting name check requests in field office, it should be pointed out that information in field office files is not necessarily complete, and that more complete information may be available at Headquarters. It should be stressed that in order to assure that maximum identifiable information is obtained, a search of records of Criminal Justice Information Services Division should be requested in addition to request that FBIHQ files be checked. Requesting agencies should further be advised that search of Criminal Justice Information Services Division files is only means by which information pertaining to arrests for offenses not under FBI jurisdiction may be obtained (provided, of course, FBI has been furnished fingerprints for such arrests). Positive identifications can be made only by search of actual fingerprints, or name search accompanied by FBI number. Check by name plus local arrest, commitment, registry, applicant, or military service number may result in positive identification; however, with some common names, the voluminous nature of the alphabetical name files makes a search impractical. Check by name only is the most inconclusive due to frequent use of aliases by persons arrested.

(1) Basic rule with regard to dissemination is that the FBI disseminates only the results of its investigations.

(2) Information obtained during course of FBI investigation may be disseminated in response to name check request, subject to following provisions:

- (a) Inquiring agency must be advised that the information furnished was obtained during course of an FBI investigation. Information concerning persons closely associated with subject of inquiry (i.e., members of his/her immediate family, etc.) if deemed pertinent.
- (b) With regard to problem of identification, there must be sufficient information to reach reasonable conclusion that the data relates to subject of inquiry. Any variation in available identifying information should be brought to inquiring agency's attention.
- (c) If Bureau files contain favorable information concerning subject of inquiry, together with information of a derogatory nature, both types should be disseminated in order to furnish a complete picture.
- (d) No dissemination should be made by field office of investigations concerning past or present Bureau employees. All requests involving such situations should be referred to the Information Resources Division, Field Services Unit, FBIHQ. (Also see Part I, Sections 1-15.3 and 20-15, of this manual.)

Certain exceptions to aforementioned basic rule with regard to dissemination only of results of FBI investigations are set forth below:

9-4.4.1 Reliable Source Information

When information has been received from a reliable source, and the information is suitable for dissemination under the various authorities and regulations set forth in these manuals, it should be disseminated even though no active investigation was conducted. An analysis of the reliability of the source and of the accuracy of the information should be furnished when possible, and when to do so would not jeopardize the source of information.

9-4.4.2 Public Source Information

- (1) Information in our files obtained from public source material may be disseminated where pertinent and relevant, provided public source is fully identified. It must be understood by agency receiving information that it has not been verified by FBI.
- (2) Certain printed public source material may contain a characterization of a group, individual or activity. When such information is disseminated to FBIHQ, FBI field offices or outside the FBI, the transmitting communication should state that the characterization has not been made by the FBI, but by a third party. However, if the characterization comports in whole or in part with the results of independent FBI investigation, the transmitting communication may so state.

9-4.4.3 Information in Rumor or Gossip Category

Care should be taken not to disseminate information in "rumor" or "gossip" category unless a specific reason exists. If such dissemination is deemed necessary, source should be fully described and requesting agency should be alerted to the degree of investigation conducted to prove or disprove the rumor or gossip.

9-4.4.4 Information Received From Other Government Agencies

Generally, where FBI files contain information from a Government agency other than requesting agency, no dissemination should be made. Instead, requester should be referred to agency from which the information originated.

9-4.4.5 Information Within Purview of Executive Order 10450

(1) Whenever information described in Executive Order 10450, Section 8 (a) (2) through 8 (a) (7) is discovered in field office files or is received by field office on employee of Executive Branch of government, it should be handled in accordance with Manual of Investigative Operations and Guidelines (dealing with security of government employees). In addition, when information is discovered or received on such employee by field office through name check or otherwise, such information which is within the purview of Executive Order 10450 should be forwarded to FBIHQ for appropriate dissemination in addition to furnishing it to local federal officials as appropriate. Such information should be sent to FBIHQ promptly in letterhead memorandum form consisting of original and three copies. In those cases within which information described in EO 10450, Section 8 (a) (1) is discovered or received on such an employee and the employee then resigns or is discharged prior to the completion of investigation, submit letterhead memoranda to FBIHQ for dissemination.

(2) FBI policy under Executive Order 10450 is to furnish U.S. Office of Personnel Management all pertinent identifiable information as described in Executive Order 10450 Section 8 (a) (1), even though it is not result of our investigation and may not have been confirmed, unless there are specific reasons that the information not be disseminated; e.g., information describing the exercise of a right guaranteed by the First Amendment as described in MIOG: Part I, 190-5.1, "Restrictions on Information Relating to First Amendment Rights."

9-4.5 Manner of Disseminating in Response to Specific Inquiry

9-4.5.1 Reports

(1) When inquiries are received from agencies within Executive Branch for information on individuals who have been investigated by the FBI, it is permissible to disseminate copies of previously prepared investigative reports in response.

Exceptions to foregoing are investigative reports bearing characters, "Security of Government Employees - Referrals," "Special Inquiry," or other similar cases or background-type cases in which FBIHQ is office of origin. Reports should not be disseminated by the field office but requesting agencies should be advised to submit their requests to FBIHQ through agencies' headquarters in Washington. It should be pointed out that complete data will normally only be available at FBIHQ.

(2) There should also appear on the first page of the communication responding to name check request the following statement:

"Check of FBI Headquarters investigative files based upon data submitted and limited pursuant to established policy located no identifiable information pertinent to your inquiry. This is not to be considered as a clearance. A request to check arrest records must be submitted to FBI Criminal

Justice Information Services Division. Fingerprints are necessary for a positive check." (See MAOP, Part II, 9-4.5.3 (1).)

9-4.5.2 Letters and/or Memoranda

Letters and/or memoranda containing information conforming to rules of dissemination may also be furnished. Following descriptive data applies to two types of memoranda used:

(1) Letterhead Memorandum - This memorandum is normally used in answering name check requests. In addition:

(a) If indices search reveals no investigation has been conducted concerning subject of inquiry, incorporate in text a statement to that effect. When information is being furnished, but it did not come from a direct investigation of the subject, an explanatory statement as to the source of the information should be furnished; i.e., "However, our files contain the following information received during the course of a security-type investigation concerning another individual..." etc.

(b) Include statement which contains in substance the terminology appearing in property stamp heretofore described (in Section 9-3.5.1(2) above) for the use on reports being disseminated. This statement should be placed at the bottom of the first page on all copies.

(c) Do not use T symbols for informants unless absolutely necessary for purpose of clarity in an involved memorandum.

(d) Show on yellow file copy file number from which material was abstracted, date request was received and from whom, and identity of recipient.

(e) Form FD-342 may be used to transmit letterhead memoranda. File copy of letterhead memorandum should show any dissemination.

(2) Blind Memorandum - Follow instructions on preparation of these memoranda. In addition:

(a) Adequately identify all public source data referred to therein.

(b) Do not use T symbols or any other phraseology which might identify the FBI as source of memorandum.

(c) Show on yellow file copy file number from which material was abstracted, date request was received and from whom, and identity of recipient.

9-4.5.3 Notations

Under certain conditions a stamp or written statement, placed on incoming communication, may be used to answer name check request. The following are merely suggestions as to the types of stamps or statements which may be used to streamline operations. Variations may be adopted as needed.

(1) No identifiable information - Should an indices search fail to reveal record of, or information identifiable with, subject of inquiry or should files contain information irrelevant to inquiry or information of nondisseminative nature, provided there was no investigation conducted by the Bureau, a statement similar to following is suggested: (See MAOP, Part II, 9-4.5.1(2).)

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"Check of FBI Headquarters and FBI Office investigative files based upon data submitted located no identifiable information pertinent to your inquiry. Not to be considered as a clearance. To check arrest records request must be submitted to FBI Criminal Justice Information Services Division. Fingerprints are necessary for positive check."

(2) Applicant investigation - Should review of references concerning subject of inquiry reveal that files contain only results of an applicant-type investigation, which developed no pertinent derogatory information following statement is suggested:

"An applicant-type investigation conducted (by the FBI) (within the territory covered by the _____ FBI Office) revealed no pertinent derogatory information. This investigation was concluded on _____. This is the result of a check of (FBI) (the _____ FBI Office) files and is not to be considered as a clearance."

When this statement is stamped or written on incoming inquiry and returned to submitting agency, an ink or stamp notation should be placed on FD-263 on top report in file to note dissemination. Following ink notations should also appear on FD-263: Identity of recipient, date request received, date of dissemination, and initials of person authorizing dissemination. At FBIHQ foregoing notations are to be placed on original copy of FD-263 of top report in file.

(3) Referral - Should indices search reveal that pertinent information in files has previously been furnished requesting agency, statement similar to following is suggested:

"Refer to data re _____ who appears to be _____ of the subject of your inquiry which was sent to your agency on _____."

(4) When any inquiry is answered by placing of stamped or written statement on incoming form, following must be included as part of reply:

"This reply is result of check of FBI Headquarters investigative files. To check arrest records, request must be submitted to FBI Criminal Justice Information Services Division. Fingerprints are necessary for positive check."

9-4.5.4 Miscellaneous

Be alert, when handling name check requests from other agencies, to recognize information which may be of help in pending investigations or which warrants opening of new case.

9-5 REQUESTS FOR INFORMATION ON COSTS (See MIOG, Part II, 34-7.)

Requests are sometimes received from courts, USAs, or government agencies for information as to actual or estimated costs of FBI investigations or some other phase of Bureau work. The requester should be informed that the request must be referred to the Budget Execution Unit, Accounting Section, Finance Division. In no instance should such information be furnished without prior FBIHQ authority. Requests should include the following:

- (1) Name of individual or agency making inquiry.
- (2) Specific information desired.
- (3) Intended use of the information.

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(4) Deadline for furnishing information, if any.

(5) Deleted

9-6 MAJOR CASES - DISSEMINATION OF INFORMATION (See MIOG, Part 2, 34-7.)

(1) Office of origin, in connection with major cases, should send communications to appropriate FBI field offices, setting forth background of case and requesting law enforcement agencies and logical informants be contacted for any pertinent information. This should be done by cover communication (FD-412 may be used), enclosing letterhead memorandum to each receiving office. In bank robbery statute violations, the letterhead memorandum, suitable for dissemination, if required, should contain only basic details of crime. Such information would consist of facts of case, descriptions of subjects, descriptions of loot obtained, etc. Receiving offices may reproduce letterhead memorandum, making sufficient copies for distribution to appropriate Agents in office and appropriate law enforcement agencies. Letterhead memorandum may be left with such law enforcement agencies to facilitate referral of any pertinent information regarding case to FBI. Only positive results should be furnished office of origin. In all cases involving armored carrier/courier robberies, losses, and thefts, an FD-430 must be entered into the Bank Robbery Statistical Application within 15 workdays. (See MIOG, Part 1, 15-4(9), 91-12.1, 87-5.3.2, 192-11.1 & 192-11.2.)

(2) Deleted

9-7 THREAT TO LIFE - DISSEMINATION OF INFORMATION (See MIOG, Part I, 89-6, 166-4, 175-22.1, and 179-7.)

The following guidelines cover the FBI's responsibility to warn persons of threats to their life or threats that may result in serious bodily injury and policy regarding notification to other law enforcement agencies of such threats. (Extracted from Resolution 20 dated 12/16/96. See footnotes at the end of this citation.) In all instances, manner depending upon exigencies of situation, FBIHQ should be advised of details of such threats together with a notification of action taken or a recommendation as to action to be initiated UACB.

"III. Guidelines

"A. Warning to the Person.

"(1) **Expeditious Warnings to Identifiable Persons.** Except as provided below in paragraph IIIA(3), when a Federal Law Enforcement Agency has information that a person who is identified or can be identified through reasonable means is subject to credible threat to his/her life or of serious bodily injury, the Agency should attempt expeditiously to warn that person of the nature and extent of the threat.

"(2) Manner, Means, and Documentation of Warning.

"a. The Agency may determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim. In some cases, this may require the assistance of a third party. The Agency must document in writing in its files the content of the warning, and when and where, and by whom it was delivered to the intended victim.

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"b. An Agency may seek the assistance of another law enforcement agency to provide the warning. If this is done, the Agency must document in writing in its files the notification of the threat, and when, where, and the name of the other agency's representative to whom it was delivered, along with the other agency's agreement to provide a timely warning.

"(3) Exceptions.

"a. A Federal Law Enforcement Agency need not attempt to warn an intended victim of a threat to his/her life or of serious bodily injury in the following circumstances:

"(i) when providing the warning to the intended victim is likely to cause equal or greater physical harm to one or more persons; 1

"(ii) when the intended victim knows the nature and extent of the specific threat against him/her; or

"(iii) when the intended victim is: (a) a public official who, because of his/her official position, is provided a protective detail; (b) a participant in the Witness Security Program that is administered by the United States Marshals Service; or (c) detained or incarcerated. See paragraph IIIB(1).

"b. Whenever time and circumstances permit, an Agency's decision not to provide a warning in the foregoing circumstances must be approved, at a minimum, by a Senior Field Manager. 2 In all cases, the reasons for an Agency's decision not to provide a warning must be documented in writing in the Agency's files.

"NOTE: This paragraph does not apply to the agencies directly responsible for providing the security for the individuals referred to in paragraph IIIA(3)a(iii), above, when the threat is to the referenced individual. In such cases, documentation, if any, should be created in accordance with the agency procedures.

"B. Notification to Law Enforcement Agencies With Protective or Custodial Jurisdiction.

"(1) Expeditious Notification. When a Federal Law Enforcement Agency has information that a person described above in paragraph IIIA(3)a(iii) is subject to any threat to his/her life or of serious bodily injury, the Agency must expeditiously notify other law enforcement agencies that have protective or custodial jurisdiction.

"(2) Means, Manner, and Documentation of Notification. The notifying Agency may determine the means and manner of the notification. When providing notification, the notifying Agency shall provide as much information as possible regarding the threat and the credibility of the threat. The notifying Agency must document in writing in its files the content of the notification, and when, where, and to whom it was delivered.

"C. Notification to Law Enforcement Agencies That Have Investigative Jurisdiction.

"(1) Expeditious Notification. Except as provided below in paragraph IIIC(4), when a Federal Law Enforcement Agency has information that a person (other than a person described above in paragraph IIIA(3)a(iii)) who is identified or can be identified through reasonable means is subject to a credible threat to his/her life or of serious bodily injury, the Agency should attempt expeditiously to notify other law enforcement agencies that have investigative jurisdiction concerning the threat.

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